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ART. I.—1. *An Inquiry into the Importance of the Militia to a free Commonwealth;* in a Letter from WILLIAM H. SUMNER, Adjutant General of the Commonwealth of Massachusetts, to JOHN ADAMS, late President of the United States; with his Answer. 8vo. pp. 70. Boston. 1823. Cummings & Hilliard.

2. *Observations on National Defence; drawn from Captain Partridge's Lecture on that Subject, and from General Sumner's Letter to the venerable John Adams, on the Importance of the Militia System.* 8vo. pp. 46. Boston. 1824. S. Gardner.

GENERAL WASHINGTON somewhere says, 'that the devising and establishing a well regulated *militia* would be a genuine source of legislative honor, and a perfect title to public gratitude.' No man in our nation was more competent to pronounce a decisive opinion on this subject, than this illustrious warrior. He spoke with the experience of the Revolution still fresh on his mind, and he well knew all the defects of this arm of our national defence, as well as the efficacy of which, under proper laws and regulations, it was susceptible. That, during the eventful struggle here alluded to, it was wretchedly inadequate to almost all the purposes for which it was designed, is abundantly proved in most of his letters written at that time. It is difficult to read some of them without the deepest emotions. With the destinies of a

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nation dependant on his exertions, and often left without any other support than this 'broken staff,' as he emphatically terms it, he used to pour out to the continental Congress his profound regrets and apprehensions at the improvident policy, which so frequently left him in such a state of helplessness, when burdened with such responsibilities. Indeed, it is with something like shuddering, that we now look back on some of those gloomy pages of our history, when the cause of liberty and of a whole people appeared to hang on armies, which had scarcely more than an ephemeral existence; and when their immense stakes were saved only by the ignorance or the inactivity of the enemy.

With these solemn lessons on his mind, General Washington often earnestly renewed his recommendations to Congress, in whom the constitutional power of improving and regulating the militia resided, to turn their attention to this important subject. He could have had no exaggerated notion respecting the capabilities of the militia, or believed that, consistently with its civil character, it was susceptible of purposes beyond those pointed out in the constitution, namely, 'to execute the laws of the Union, suppress insurrections, and repel invasions.' But even for these purposes, much modification and improvement were necessary. In fact, as a national institution, almost everything was to be done. The Revolution found each state relatively independent in all respects. The voluntary combination for certain measures of general defence, under the first continental Congress, may be said to have left this independence unimpaired. And the articles of confederation, afterwards adopted, surrendered to the general government only a modicum of power over the militia. It may therefore be said to have been, at the adoption of the constitution in 1789, for all purposes of national defence, a disjointed, unregulated, and unwieldy mass.

The new constitution vested in the general government a power over the militia of the several states, which, with adequate legislative provisions, would seem to be sufficient to correct all deficiencies, and give it a prevailing character throughout the union. It embraced the power to *organise, arm, and discipline* the militia, and to *govern* such parts as might be called into the service of the United States. Greater latitude would appear to be unnecessary for the

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most ample fulfilment of every beneficent national purpose, which could result from the nature of the institution.*

As early as 1789, President Washington, in calling the attention of Congress to this subject, adverted to an inducement to immediate legislation upon it, which was peculiarly impressive. He said he was particularly anxious that they should attend to it as soon as possible, as we might 'avail ourselves of the military knowledge disseminated throughout the several states, by means of the many well instructed officers and soldiers of the late army;' adding the solemn admonition, that this resource, from deaths and other causes, was fast diminishing. Nothing, however, was done at this session. The incipient movements of a new government probably presented far more urgent and immediately indispensable measures.

On the ensuing session, General Knox, the Secretary of War, presented a plan to Congress relating to the militia, the main features of which were afterwards reported in the shape of a bill; but this likewise failed. The historian Marshall, in alluding to this subject, remarks, that it 'was found to be involved in greater difficulties than had been apprehended. To reconcile the public interest with private convenience was a task not easily to be performed. Those provisions, which were required to render this bill competent to the great purposes of national defence, involved a sacrifice of time and money, which the representatives of the people were unwilling to exact from their constituents.' The same causes have probably defeated all subsequent bills of the same comprehensive character; and while we believe, that 'the great purposes of national defence' may be attained by provisions less energetic and burdensome, we are inclined to ascribe

* The following is the language of the constitution, in regard to the power of Congress and the Executive over the Militia. Congress has power,

'To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions;

'To provide for organising, arming, and disciplining the militia, and for governing such parts of them as may be employed in the service of the United States, reserving to the states, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.' Art. I. Sec. 8.

'The President shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States.' Art. II. Sec. 2.

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these defeats to sound policy and republican wisdom. General Knox, with the independent frankness of a soldier, and prompted perhaps by a lively recollection of revolutionary troubles, may have infused rather more military spirit and efficacy into his plan, than comported with our republican habits and civil institutions. We shall have occasion to speak more fully on this subject, when discussing those plans which have since been under the consideration of Congress.

It was not until 1792, that there was any successful legislation on this subject. On the 8th of May Congress passed an act, 'more effectually to provide for the national defence, by establishing a uniform militia throughout the United States.' As the provisions of this act still form the basis of our militia system, it may be well to develop its principal features, and examine whether present imperfections result from deficiencies in congressional legislation, or from neglect of executing duties referred by existing laws to the states. However far short this act may have fallen, in the opinion of some, of what was necessary to a complete militia system, it certainly fulfilled, in many respects, the purposes of the power vested in the national legislature by the constitution; and provided, as far perhaps as was practicable, for the *organisation*, and *discipline* of the militia, and in some degree for *arming* it. If this act was deficient, in respect to the last provision, so, we believe, were all the other plans. But we shall have farther remarks to make on this head in another place.

The first section of the act, requiring, with certain exceptions, 'every free able bodied white male citizen of the respective states,' between the ages of eighteen and forty five, to be enrolled, and prescribing the mode of enrolment, formed a broad and simple outline of organisation, which the cooperation of state laws could easily fulfil. Part of this section, which requires every man so enrolled 'to provide himself, within six months,' with arms and equipments, was probably adoped from necessity, as the best expedient which the times presented. The finances of the country would not allow the nation to assume the burden of arming the militia, and there was no alternative but to impose it on individuals. It is true, the Revolution had distributed a great number of arms through the community, and the hunting habits of a portion

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of the people had induced many, who had the means, to provide themselves with muskets. These arms were among the people, but the law, in those times, could not easily increase their number, nor promote their distribution; and it must have found a large deficiency, which its enactments would in vain attempt to supply. The only beneficial effect, then, that could have been promised by this section, was to bring the arms then in existence under public inspection and control, and leave more effectual provisions for more prosperous times.

As these prosperous times may be said to have arrived, it is proper to inquire what these effectual provisions ought to be. The national resources are now great, and we are yearly expending millions for the defence of the country. The first attention should undoubtedly be devoted to the more permanent and essential parts of this defence, such as the army, navy, and fortifications. But as the militia constitutes a part of our national defence, it may assuredly have a claim on our treasury, after more urgent demands have been answered. In all other instances of taxation, the poor man bears a burden only in proportion to his pecuniary ability; he participates in the support of government, in the maintenance of the army and navy, and the construction of fortifications, according to his property. But in the *arming of the militia* he sustains an unequal weight. The daylaborer, in this respect, contributes the same towards the defence or protection of his country, as his most affluent fellow citizen. There is more than injustice in this; it perpetuates some of the greatest defects in the militia, such as the insufficiency in number, and the badness in quality, of its arms. Many among the poorer classes of society are unable to equip themselves. We are aware that some of the states have laws to remedy this evil; but we shall probably never have a well armed militia, until the arms are supplied by the United States. The burden would then fall with due pressure on all the community, and the arms would be of the same kind throughout the country. We do not pretend to indicate the mode in which this supply of arms should be made. The resources of the country would undoubtedly restrict it to a gradual operation. If, at present, there were to be an apportionment to each state, with adequate means of constructing arsenals, there would be a foundation laid. This apportionment might be gradually ex-

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tended, until the quantity reached the maximum of the military strength of each state. The management of these arms and equipments might safely be left to the direction of each state, which should exercise its discretion as to their distribution and the location of the arsenals for their preservation. And whenever the time shall arrive, that each regiment, or even each company, shall have a separate arsenal, where its arms shall always be kept in readiness for service, and be confined exclusively to public purposes, the best mode of arming the militia will probably have been attained.

Training the militia is indisputably an important object; but we should regard it, at least for the present, as secondary to that of arming it. The slight instruction, which can be afforded to militia in their occasional trainings, as it is bestowed on a changing and intractable mass, is not of great advantage. Whenever called into the field, we believe, that three weeks daily drill, with an expectation of approaching service, will advance them more in all kinds of discipline, than the same number of months divided among occasional trainings. To render the militia effective in this respect requires only time and attention. But it is not the work of a short time to arm the militia. If, however, the arms once exist, and are within reach, a permanent benefit is established. We have the *material* of defence, the body and nerve of military efficiency.

The second section of the law above mentioned designates the exemptions under the general government, and leaves to the states the power of exempting 'all persons, who now are, or may be exempted by the laws of the respective states.' We know not the latitude which has been taken by most of the states under this clause. In Massachusetts we are inclined to think it has been rather too extensive. Congress did not assume the power of designating exemptions for the states. Such an interference would probably have been as unwelcome as ineffectual. The states alone could judge to what extent the exemption should go; but there is certainly a limit. No one would contend that a state could properly exempt all her citizens; and yet the claim itself appears to set no bounds. We should then look for the intentions of Congress, to the extent allowed with regard to the general government. Had the law said, that the exemption

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should embrace all, whose agency is necessary for the due operation of the executive, judicial, and legislative departments of government, it would probably have expressed its meaning, as well as by enumeration. And the same phraseology might have been properly applicable to the states, with an exception of the clergy, and perhaps of certain religious sects; though the latter might justly be taxed with the fine for nonattendance, and would probably see no reason for complaint, as they equally share in the benefits of protection.

We do not allege, that the laws of Massachusetts entirely exempt from militia duty a greater class, than is required for the due execution of her laws. But we are inclined to think that the law, which partially exempts whole classes, demanding little more than a registry of their names, and the exhibition of their arms, has at least the effect of diminishing the zeal and good will of the other classes, who see themselves apparently excluded from immunities, to which they have the same legal title. It is true, there is a commutation for attendance in money, the application of which, to purposes connected with the militia, may be somewhat beneficial; but this does not change the character of the exemption; it is undoubtedly considered as a privilege, and is confined to a certain age, which, by the law of Congress, has no superior claims. Discriminations of this kind must have an injurious tendency; the subjects of exclusion may think themselves injured, and perhaps really are so.

In some of the states, if we are not mistaken, the exemption does not even embrace those who have borne military commissions; but we should doubt the expediency of this. The sacrifice of time and money, necessarily attendant on all commissions in the militia, should have some other counterbalance than the mere honor of holding them. Strong inducements should be held out for good and able men to accept these commissions, as the excellence of the militia mainly depends on such characters; and few men, probably, would be found willing to assume this burden, however honorable it may be, if it were accompanied by privileges less desirable than at present.

The sixth section, which requires that an Adjutant General shall be appointed in each state, in order to collect all returns and reports, and present them annually in a consolidated

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form to both state and general governments, would seem to be an effectual provision for this important duty. But it is a singular and lamentable fact, as appears by the last documents laid before Congress relating to the militia, that no less than three states have made no returns to the general government during the last eight or ten years. We can imagine no sufficient excuse for such continued delinquency, and cannot but regard it as indicative of great unsoundness in the military laws or customs of those particular states.

The seventh section, which prescribes the mode of discipline for the militia, has been abrogated by a subsequent law, so far as it respects the system to be followed. The adoption of the present system of the regular army was both proper and necessary. As the militia, when called into service, must often serve with the army, it should be taught, so far as its instruction goes, in precisely the same manner. But 'Scott's System,' as it is often termed, which is the one prescribed by law, is a work very copious in its details, rather cumbrous in its size, and is suited, in its present form, only to the regular army.

The system of Steuben is obsolete. Great improvements have been made in the art of war since the time of this veteran and republican Prussian, and it is proper that the militia should come up to the improvements of the age. But at present, we are not sure that the militia has been benefited by the change. Steuben's system was compressed into a small portable volume, easily circulated, and easily comprehended. Every militia officer, doubtless, had one, and he was not deterred from attempts to master its contents, by their bulk or scientific perplexities. But the system now in force, embracing the military system of drill and manœuvring in all its fulness and detail, has the disadvantage of being both unwieldy and complex. General Sumner moreover says, that this new system 'has never been officially made known to the state authorities.' If there be any other notification necessary to the state authorities, than the promulgation of the law, its omission is certainly most inexcusable; for, as he justly remarks, as long as its authority is at all questionable, the effect to be apprehended is 'the distribution of mutilated compilations, or what are called amended editions, of the United States military tactics.' A uniformity of discipline

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among the several states must certainly be destroyed, if these *amended* editions are, as is too often the case, merely *altered* editions.

We should apprehend that the evil is within the remedial power of the states. If the general law has established that system as a guide, there can be no deviation from it; but there is no obligation to teach it *in extenso*. The attempt would be fruitless. General Bernard says, speaking of the militia in his letter to General Sumner, 'with respect to their drill or instruction in the field exercises, it appears to me that their thorough instruction in the *School of the Soldier*, in the *School of Company*, and in the *School of Battalion*, would suffice; to which, however, it would be proper to add the exercises of riflemen and light troops;' subjoining, 'that the instruction of the militia in these branches should be exactly the same with that of the army, and that their printed regulations for these branches should be the same *word for word*.' We are inclined to think the latitude which General Bernard takes is sufficiently comprehensive; and that, as a general rule, if the ordinary exercises of the militia were thus restricted, their expertness would be so much the greater, as their lessons would be the more simple and frequently repeated. An abridgment of the United States System could therefore be made to embrace this basis of discipline, with such additions relating to police and encampments, taken from the 'Army Regulations' on those subjects, as might be deemed suitable and necessary. Such a volume would be fit for general diffusion, and possess all the popular characteristics of the well known Steuben, and, sanctioned by the state authorities, would at once prevail. It should be a *copy*, 'word for word,' as far as it goes. The idea of *adapting* the system to the militia in any other way, than by abbreviation, is inadmissible, if not illegal.

If there be any branch to which the United States systems do not extend, the state authorities may supply the deficiency; but we know of none in this situation, unless it be the cavalry. The United States have no system of tactics or discipline adapted to that arm, and had none, so far as we recollect, even during the late war, although we had regiments of dragoons. Both our artillery and our cavalry, we believe, were then sent into the field without any other guides as to instruct-

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ion, than the judgment and limited experience of the officers; and even our infantry were subject to many capricious changes, which left them nearly in the same unprovided state. But we have now ample and sufficiently excellent systems for both artillery and infantry, founded on the latest improvements.

In regard to the tenth section, which provides for the annual inspection of the militia by brigade inspectors, we would only remark, that we apprehend the *rank* of the inspecting officer to be too humble. Experience has proved in all services, that great advantages arise from proper inspections; and inspecting officers have now generally respectable rank, much military experience, and should possess a quick discernment, joined with a fearless independence. The system of inspection now in force in our army has undoubtedly contributed greatly to its improvement; and so far as relates to the rank of the officer, it might be beneficially applied to the militia. The number necessary in each state might be left to the state authorities. These officers, with the rank of colonel, and independent of the fluctuations of subordinate commands, but forming a branch of the staff of the commander in chief, and subject alone to his orders, might give great energy to the military laws, both of the general and state governments. All officers are certainly interested in their due execution; but inspectors alone feel it their especial duty to point out, and report, all relaxations and derelictions.

Although we have been thus diffuse in our remarks on this first and fundamental law of Congress relating to the militia, yet we deem it proper, at the risk of being prolix, to extend them to a subsequent law, which forms an essential part of the subject.

The law of 1792, which we have been discussing, left untouched one of the essential powers vested in Congress by the constitution, that is, the power 'to provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions.' The organisation, arming, and disciplining of the militia, were only preliminary steps. A force was established, but no power was constituted for calling it into activity. It might be capable of irregular and spontaneous exertions, but there was no defined and paramount authority to give it efficacy for constitutional purposes. It was an immense and intangible power, over which the general

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government had no acknowledged control. It was not until 1795 that this desideratum was supplied. The admonitory and alarming troubles in Pennsylvania may have accelerated this result. A conviction was then urged home to almost every bosom, that the executive arm should be strengthened with all its constitutional aids.

It may be unwise and hazardous to defer the development and investment of a constitutional power, until some strong emergency renders it indispensable. There is danger then of legislating too much under the guidance of temporary circumstances; the agitations of the moment may either withhold, or confer, too much power. Besides, those who feel the effects of the new restraints, may regard them as a peculiar and invidious stretch of authority, intended merely for an existing crisis, rather than as a wholesome and necessary exercise of a legitimate function, which should have been coeval with the government. In the present instance, however, we have no reason to suppose that Congress felt any unfavorable influences from the times. It is more probable that a beneficial influence was shed upon their deliberations. There was then no disposition to be prodigal of power to the executive. On the contrary, there may have been too keen and distrustful a jealousy respecting this coordinate branch of the government, and it perhaps required some strong impulse, derived from contemporary agitations, to develop that liberal and confiding spirit in Congress, which was necessary to the complete fulfilment of the constitution. The laws were contemned and opposed with impunity; for there existed no power adequate to enforce them. The government was sinking with debility, and Congress saw that they were assuming the immense responsibility of withholding the energy, which could give it firmness and respectability.

The law enacted in 1795, providing for 'calling forth the militia,' invests the President of the United States with full power over it in case of emergency, by defining the mode of calling it into active service. Its provisions are effectual for every constitutional purpose, and gives him the control of every species of force on which the national defence depends. Commander in chief of the army and navy, when he became vested with the power of calling forth such parts of the militia, as the constitutional emergencies might require, the circle of

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his military prerogatives became complete. The power over the militia, reserved by the constitution to the states, embraces the 'appointment of all officers, and the authority of training the militia according to the dsicipline prescribed by Congress.' The section which declares that 'no state shall, without the consent of Congress, engage in war, unless actually invaded, or in such imminent danger, as will not admit of delay,' may be said to be only declaratory of a natural and inalienable right, which could neither have been conferred nor taken away. In cases of such emergency, when, from its suddenness, or the remoteness of the executive, constitutional provision cannot be made to meet it, the privilege of selfdefence assumes all its natural energy, and acts, for the occasion, without reference to any authority. Had the constitution been silent in this respect, such a right, in such emergencies, would have been equally obvious, and would have had the same force. The law in regard to the power of the President, in calling out the militia, is in the following words. 'Whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the state, or states, most convenient to the place of danger, or scene of action, as he may judge necessary to repel such invasion, and to issue his orders for that purpose to such officer or officers of the militia as he shall think proper."* This act is still in force, and is the one under which the militia were called out by the executive authority during the last war.

This surrender of power over the militia on the part of the states, in respect to organised or premeditated service, in all cases where the emergency can be anticipated and provided for, was as necessary as proper. To have vested the general government with authority over the army and navy, and given it no control over the militia, would have been depriving it of the mainspring of national defence. It is well known that in this free country, where the field of profitable exertion is so wide and open, an army of any magnitude can never be be raised by voluntary enlistment. The experience of the late war is proof of this. Inducement was accumulated upon

* See the Act of February 28th, 1795. Sec. I.

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inducement, and yet our establishments were at all times incomplete. The distresses of the country, which always contribute to recruit an army, though great and augmenting, still left for the mass of the people a sufficiency of comfort and profitable employment to restrain enlistment. The main dependence of the country for *defence*, therefore, was, and always must be, upon the militia.

Since the law of 1792, many attempts have been made in Congress to improve or alter the present organisation of the militia, and the mode of instructing it. General Sumner says, 'the plan which is most countenanced is that, which is founded upon a system of *classification*. This proposes that the enrolled militia shall be divided into distinct corps, according to age, and that the youngest class shall be encamped each year, for a definite period, and the officers and men paid for their services.' p. 34. This plan, in its principal features, has often been proposed, but, though generally supported by talent and experience, has as often failed of success. Judge Marshall, in remarking upon General Knox's plan, which probably was somewhat similar, says, 'it may well be doubted whether the attempt to do more than organise and arm the militia of a country, under the circumstances of the United States, can ever be successful. Those habits of subordination and implicit obedience, which are believed to constitute the most valuable part of discipline, and the art of moving in an unbroken body, are perhaps to be acquired only in camp; and experience has not rendered it certain that arrangements, which aim at an object by means unequal to its attainment, will yield a good proportioned to the burden required.' There appears to be much sagacity and truth in these observations, and similar reasoning may have influenced the minds of those who have defeated these various plans, all of which have probably 'aimed at an object by means unequal to its attainment.' They all involved a sacrifice of time to the individual, and expense to the country, without sufficient assurance of an adequate benefit.

There is something seducing to unmilitary or inexperienced minds in an encampment. It is believed that if men are placed under canvass a few weeks, they become expert soldiers. There is doubtless a great error in this. It is a fact, well known to all military men, that a long course of un-

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remitting drill, such as nothing but the despotism of martial law can bring men to submit to, makes an expert soldier. General Washington, in one of his letters, says, that the making of a soldier 'is not the work of a day, a month, or even a year;' and most military works lay it down as a principle, that two years of assiduous and severe apprenticeship are required to form a complete soldier in all points of manual, movements, and police. And all this proficiency may be lost in a comparatively short time. The feelings and many of the habits of a soldier remain with him long after his 'occupation's gone;' but all the more important points of discipline which belonged to him, as a component part of a living machine, as a homogeneous unit of a compact and harmoniously moving body of men, are soon lost by disuse. Hence, we are inclined to believe, that annual encampments of the militia for a few weeks, or even longer, is a plan which 'aims at an object by means unequal to its attainments,' and will always be defeated by the good sense of the national legislature. It is at all times in the power of the states to increase the number of trainings, and consequently the means of instruction. In unquiet times, and especially on the approach of war, they would very properly be multiplied. The citizens then, aware of the emergency, would unhesitatingly intermit their accustomed avocations; the country, being in danger, demands sacrifices, and they are always ready in such seasons to make them. But in times of national repose, it appears to be inexpedient and impolitic to subject a large class of the community to an annual interruption of their employments for a few weeks, when the moral and pecuniary injuries are so probable, and the military benefits so uncertain or so transient.

The plan proposed by Captain Partridge, of establishing camps of instruction for officers only, may perhaps be thought more feasible, and less objectionable. The officers constitute a comparatively small class, and can be more easily assembled, and, being generally a select body of men, more profitably instructed. But even this plan, unless enforced by laws compelling attendance under penalty of heavy fines, would probably be nearly unavailing; and the effect of such laws might be to lessen so much the inducements to accept commissions, as to throw most of them into the hands of the idle and incapable, who would seek them for the small compensation attached to

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them. The active and thriving would be unwilling to bestow their time, as the pay would be no remuneration. Under the present system commissions generally fall upon the most intelligent and useful members of the community. They accept them because the consequent encroachments on their avocations are small, and the notoriety and promotion, which often follow, are objects worthy of ambition. The occasional assemblages are made subservient to recreation, and frequently to business, as well as military instruction. It is true the latter is trifling, but it is something; and it leaves the civil character of the institution, as it ought to be, paramount. It cannot be expected that the mass of the militia, under any organisation, which it would be thought expedient or proper to impose on it in time of peace, will be able to acquire any available proficiency as soldiers. The militiaman is a citizen, and not a soldier; and if he be enrolled, armed, and equipped, and be occasionally embodied, in order to be instructed in simple elements, he is always capable, on the approach of emergencies, of being made a soldier. And this is perhaps all that can be expected of an institution, which intends in seasons of national quiet to leave its members, that is, the citizens, the free and unembarrassed pursuit of their private occupations.

But we apprehend there may be some constitutional objections raised against these various plans, which propose to vest the general government with such control over the permanent trainings of the states' militia. The constitution requires of the general government to *organise* and *arm* the militia, and to prescribe the mode of its *discipline*. The first object has been attained, though perhaps not in the best manner. The second object undoubtedly *should* be in the course of attainment, as fast as the resources of the country will admit. The last object may be said to be attained, whenever a mode of discipline becomes prescribed. A mode, or system, has been prescribed; and we are inclined to think its more immediate enforcement on the militia, in its inactive state, devolves on the state authorities. Is the general government, in addition to these three duties, bound to *train* the militia, or the officers thereof, when not in actual service? This question will doubtless be answered by the affirmation, that it is not only not enjoined to do it, but that the duty is expressly

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reserved to the states 'of training the militia according to the discipline prescribed by Congress.'

But although these and other arguments may be urged against *encampments* of the militia, we believe that equally forcible objections exist against its *classification*. Indeed such a modification appears to be a great desideratum; and a law, which should divide it into two classes, would be a most extensive improvement, and still leave all its civil characteristics unimpaired. A plan was introduced into the last Congress, which proposes to draw the dividing line at the age of twentyfive, and if the usual accompaniment, a proposition for annual encampments shall be expunged, we cannot but earnestly hope that it may ultimately pass into a law. The younger class, between the ages of eighteen and twentyfive, are not only the best fitted for military life and duty, in respect to health, vigor, and buoyancy of spirits, but may at all times be abstracted from the community with the least inconvenience to its ordinary pursuits, and the least diminution of domestic comforts and protection. When drafts from this class will meet the emergency, the most substantial and essential part of society remains with it, while the demands of war are better supplied than if they had embraced the full range from eighteen to fortyfive. Extensive drafts made under the existing organisation leave a chasm behind, which greatly aggravates the effects of war, always sufficiently melancholy and oppressive when mitigated by every lenient provision.

If Congress, in addition to existing laws, were to classify the militia, and adopt measures for gradually arming it, we are disposed to believe that the main intentions of the constitution in this respect would be generally fulfilled. The institution would then appear to be built on as good a foundation, as the nature of our government, and the genius of the people, will perhaps admit. Periods of danger would superinduce more energy, but that would be suited to the exigency, and subside with it. The President has no control over the militia, excepting in specified emergencies; yet Congress, by several acts of legislation, has established the precedent by which portions of it are placed under his authority, in anticipation of danger. Such a law passed during the administration of Mr Adams, giving him, at a time when he could have

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had otherwise no constitutional power over them, the control of 80,000 drafts. A similar law conferred on Mr Jefferson a like control over 100,000 minute men.* These were wise provisions against threatening troubles. The times demanded some interference with the ordinary pursuits of the citizen. Sacrifices were required, and were cheerfully made, because the necessity was apparent. These detachments could be embodied as frequently, and instructed as extensively, as the President might deem proper to direct; and as soon as the season of probable danger passed away, they returned again to their usual employments.

The executive or operative power with respect to the militia rests, in time of peace, entirely with the state authorities. An important responsibility then devolves on them; and we cannot but earnestly protest against some of the prevailing notions, that this responsibility may be discharged, by merely preserving the forms of organisation, and rendering due returns. The constitution has left it with them to designate the time and extent of instruction. Each state, understanding well the genius of its people, may be properly vested with this apportionment, as the effects of too great pressure, or too great relaxation, can at once be perceived. We are fully of opinion with General Sumner, that the few trainings, which are established in the several states, are not deemed a burden by the great mass of the militia; that, on the contrary, they are anticipated with pleasure and even with eagerness, as authorised relaxations from labor or monotonous pursuits, which relieve the body, and give energy to the feelings. Besides, we are well assured that their effect is to excite and nourish some of the best sentiments of a free republican people.

The militiaman, who occasionally appears on public parades with his musket, associates with it many of the noblest ideas of defence and love of country. These short and occasional embodyings leave behind but few of the systematic habits of a regular soldier, for the limited time is hardly sufficient for learning even the manual; but they accustom the men to concentration, to know their officers, and they keep alive a degree

* See Acts authorising a Detachment from the Militia of the United States, passed June 24, 1795,—April 18, 1806,—March 30, 1808.

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of martial pride and spirit, all of which are among the best elements of an efficient army. We hardly accede to the full latitude of General Sumner's remark, 'that the officers of the army unite in opinion, that one who has never shouldered a musket is a better recruit than a militiaman.' Some of them doubtless are selfsufficient and obstinate with their little proficiency, and may at first resist instruction more than one, whose utter ignorance induces him to surrender himself entirely to the direction of others. But, as a general rule, we are sure that the few rudiments he may have acquired, will be so far serviceable to him whenever called into active service.

General Sumner correctly and forcibly remarks, that 'it should never be argued as an objection to the militia, that it is inferior to the army. The militia of no state ever was or ever will be its equal; the nature of the institution does not require it.' p. 29. We would add, it absolutely forbids it, at least in time of peace. And even in war, the limited time for which the militia can be kept in the field, must confine their proficiency within narrow bounds, and leave them far behind the practical, professional soldier. But surely, because we cannot give our militia the highest degree of perfection, it is no reason why we should not strive to raise it above the character of an armed rabble. With all its deficiencies, it may always be beneficially used as light troops, or for partisan warfare; and this kind of warfare has achieved wonders in the modern defences of countries. The Spanish *Guerrillas*, a kind of militia almost destitute of organisation, were powerfully instrumental in the defence of their country. Indeed, Marshal Bulow, a military writer of considerable notoriety, and who has had much experience in war, has advanced the opinion that all wars should be carried on with light troops alone, and that the compact and close order, which is required by modern tactics, only serves to increase the carnage, without giving greater efficiency to troops. We do not subscribe to this opinion, which has found but few supporters. It shows, however, that the description of service, of which our militia is always capable, has been even deemed superior to all others.

But we might answer the question as to the utility of our militia, as General Sumner does, by a reference to its many

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achievements in our own country. The scenes of Lexington, Bunker Hill, and New Orleans, are said to be counterbalanced by those of Long Island, Camden, and Bladensburgh, where the militia were scattered like bands of unarmed peasants. But there would be as much error in inferring from these disasters, that the militia are useless, as that regular armies are so, because they have often been most shamefully defeated. No one will deny that, for belligerent purposes, regular armies are the best. But the nature of our government, and the genius of our people, forbid the existence of such large armies, as would render all other defences unnecessary. We should then sustain and improve an institution, which, with all its defects, has so often rendered such illustrious and important services. If our citizens, without losing any of their civil characteristics, are capable on emergencies of defeating veteran armies, and averting ruin from the country, our republican institutions may promise themselves durability. The main defence rests as it should with the people.

When armies of militia and of regulars are abstractly considered, the difference of their apparent efficiency is great indeed; but this difference often diminishes when they come in contact. Generals are commonly cautious in proportion to their fear of the enemy; if they despise him, they become careless and presumptuous; in this way, militia are frequently raised to a level with their adversaries. Many of our successes during the Revolution, and during the late war, may be traced to this presumptuous confidence in the enemy. He was far beyond us in discipline, but he despised our militia, *agrestes turmæ*, and often became so incautious or rash, as to lose his advantages. At Bunker Hill, at Bennington, and at New Orleans, the enemy exercised no generalship, took no precautions. Had the lines at Breed's Hill been taken in reverse in the outset, as they were at the close of the action, that sanguinary and eventful conflict might have scarcely caught the attention of the historian. At Bennington, the German leaders were most inexcusably negligent and unwary in their march. And at New Orleans, as the militia were in position, it would have been the part of good generalship to endeavor to turn that position. That such a manœuvre was practicable, the success of Colonel Thorn-

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Thornton on the right bank of the river is proof. Had General Packenham established a strong body on that side of the Mississippi, and deferred his attack on the other, until the lines were enfiladed, it is not improbable that thousands of British had been saved, and New Orleans a trophy in the hands of the enemy. In all these cases, it would appear that the enemy, by his rashness or want of precaution, of which he was undoubtedly guilty through contempt of his undisciplined adversary, reduced himself to a state of inferiority in the conflict. Such advantages may be often anticipated, as ignorance and presumption are not always the rarest qualities of commanders.

In the range of our observations, we have frequently had occasion to avail ourselves of General Sumner's ideas, and might have more often advantageously adopted his language. But extracts would give but an inadequate idea of the general aim of his remarks. We presume every person among us, who feels an interest in this important subject, has read his letter. We think his ideas in the main just and practical, and do not find any attempts unreasonably to magnify the capability of the militia. He believes it a useful auxiliary in war, and the best security of our laws and liberties in time of peace, and gives it no undue precedeney among the means of national defence. We have already expressed our concurrence with him in the opinion, that the ordinary militia duty is not felt as a burden. The privileges which appertain to our free citizens, although occasionally demanding a little of their time, are too highly prized to be surrendered on that account. They do not complain of attendance on frequent elections as an unnecessary or oppressive tax upon their time, and the man who should seek to persuade them that it is so would be regarded with suspicion, if not with stronger feelings. And is not the privilege of bearing arms an honorable franchise? It was thought to be of such importance, as to be made a special reservation in the amendments to the constitution. It has often been said, that the trainings bear with unequal weight upon the poor. But has not the poor man much to secure? He has as deep an interest in our free institutions, which afford him the chance of becoming one of the affluent and the great, as the man who has already become affluent and great. Every class has the same privi-

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leges to preserve. An equal interest in every institution pervades the whole community; and the incumbent of the most elevated office, whose tenure is temporary and defined, may be said to have no more at stake than any other individual.

Even if there were no other utility to be derived from the militia, than to enforce the execution of the laws of the union, when opposed by misguided or unprincipled combinations, instead of leaving that task to a regular force, every patriot and reflecting man must prize it as of inestimable importance. What different consequences might have arisen, had the suppression of 'Shay's rebellion,' or the 'whiskey insurrection,' been confided to a regular force! Such a description of force, in all such cases, assumes the aspect of oppressive energy, and is regarded as an instrument of government, which has no connexion, no sympathy, with the mass of the people. Had either of these political disturbances been attempted to be put down by an arm, to which such an odious and unpopular character might have been attached, these formidable insurrections, which, in their result, seemed only to strengthen and confirm our excellent frame of government, might have ended in its prostration. But as there was a power existing among the people themselves, which, although dormant, was capable of being roused to any degree of energy, which the government could call forth in all the plenitude that the crisis might demand, a resistance, which had probably defied the executive arm, wielding a regular force, and perhaps increased in resoluteness and exasperation, subsided in dismay before an army of citizens, who had shared in all the evils, which were made the pretexts for these insurrections, but who stood forth the defenders of government and law. Had the regular force at the disposal of the executive been the only resource in these emergencies, its numbers could have been easily ascertained, and resistance founded on calcution. But when the people themselves arose as the friends of good order, and the avengers of violated public tranquillity, the power arrayed on the side of government would seem to have no other limits, than those of the efficient population. And when the invidious task of suppression was done, and the laws had quietly resumed their silent sway, this overwhelming force, which had been so easily embodied, or, as

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it were, created, dissolved at once, and was lost in the multitude. No trace was left behind to remind the vanquished of their defeat and shame, and all exasperated and mortified feelings soon sunk into submission and contentment.

We have already alluded to parts of Captain Partridge's lecture, cited at the head of this article. His observations on our maritime defence are doubtless the result of much reading and reflection. Many of his best suggestions are, we believe, in the course of fulfilment. Until within a few years, even since the late war, we had no general system of maritime defence, so far as it related to fortification. In the main, we are disposed to agree with Captain Partridge in his ideas on this subject. But we suspect some of his observations on 'permanent fortification' border a little on hypercriticism. After stating objections to this system, as now practised in the United States, he alludes to the works of Fort Columbus in the harbor of New York, and remarks, that during the late war, when that city apprehended an attack, the militia and citizens, notwithstanding these and other permanent works, were obliged to toil most assiduously upon temporary works for its security. We are not disposed to depreciate in the least the patriotic and zealous labors, which were so freely tendered in that hour of threatened danger, and have no doubt, had the attack been made, that they would have essentially contributed to the defence. But these hasty redoubts and lines were only subsidiary to the main works. Suppose New York had been without these main works, and had depended on temporary defences alone; she would have probably been an easy prey to a strong fleet, cooperating with a land force. Fortified *towns* have lost their former importance. Modern warfare has determined, by bloody examples, that they are insufficient to arrest invasion. But fortifications for *maritime* defence have been growing into increased estimation; and for this the history of modern warfare affords many good reasons. What enabled France, during her long struggle with the mistress of the ocean, and while her armies were generally at a distance from the coast, to present an impregnable maritime frontier? Her permanent fortifications.

We are thus free in our remarks on Captain Partridge's apparent censure of the present system of fortification, which

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he seems to think founded on 'radical error,' because we are aware that his opinions are respected, and because we apprehend that, in this rather sweeping condemnation, he may mislead the public mind. Indeed, we have doubts whether Captain Partridge himself entertains so pointed a disapprobation of the system, which has heretofore been pursued, and particularly of that which is now adopted, as some of his remarks would imply. For in the plan, which he ultimately proposes, that is, to erect what are called permanent fortifications at the principal points, and to keep them in a state of good preservation, he does not differ in terms from those, who have approved the essential features of the past system, and who approve that now in force.

We cannot conclude, without calling the attention of those, who have not already perused it, to General Bernard's letter, addressed to General Sumner. This distinguished soldier has discussed the subject of our militia with an ability, which bespeaks an intimate and accurate knowledge of the institution. He has no exaggerated notions of its utility, but sees that it is capable of much good, and must always be a powerful means of national defence.

ART. II.—*Hints on Extemporaneous Preaching.* By HENRY WARE, Jun. 18mo. pp. 93. Boston.

IN this little volume it is the purpose of the author to augment the good effects, which result from the labors of those who are engaged in the Gospel ministry. Few objects are more important than this in a christian community, where the instructions of the Sabbath are calculated to have so strong an influence on the social condition of men, as well as on their religious character and destiny. It is a necessary consequence of the return of the Sabbath, that a rest should follow to the thoughts and cares of men, a cessation from their secular toils, and a relief from the exercise and conflict of the baser passions. Under such circumstances they meet in the 'Lord's Courts;' the sacredness of the place helps them to disburden themselves of those interests and prejudices, which too often warp their minds and feelings asunder, and they

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listen with attention to the momentous truths, which every conscientious preacher is expected to communicate. The tendency of the annunciation of these truths is to deepen those serious impressions, which the mere return of the day itself is fitted to excite. The mind is powerfully directed towards those considerations, which relate to the reality and the mode of its existence beyond the grave. The Christian is brought to a firmer reliance on the operations and the excellence of his faith.

The beneficial effects of Sabbath instructions are, in truth, more than can be estimated; and it is hence of great consequence, that the persons, on whom these instructions devolve, should be fitted for a calling on which so much of the well being and happiness of society depend. Any suggestions, which may tend to render their instructions more appropriate and powerful, and more beneficial in their general results, should be favorably received. The art of extemporaneous speaking is both difficult and important. No one can be a correct and efficient speaker in this way, who has not a well disciplined and a well furnished mind. But however great the discipline, to which one must subject himself, before he can speak correctly and to the point in unpremeditated language, it is an art so valuable as to recompense the greatest toil and perseverance; *maximus fructus velut praemium quoddam amplissimum.*

We admit, that a person may be truly eloquent, who preaches, as it is technically termed, with notes. However some may be disposed to differ from Chalmers on certain speculative points; whatever exceptions scrupulous critics may take to a few peculiarities in his style, yet, when his depth of thought, his power of argument, his occasional touches of true pathos, his frequent richness and splendor of expression are recollected, it will not be denied by any candid judge, that Chalmers is an eloquent man. But, if we are rightly informed, this Scottish orator, whose fame has spread itself to more than one continent, usually preaches from manuscript. The instances, indeed, are innumerable, in which powerful effects have been produced by preachers, who have confined themselves to written compositions. In speaking favorably, therefore, of this little treatise, and of the art which it is designed to recommend, we would not be understood to enter our dis-

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sent against the practice of preaching with notes. A man may be eloquent, who writes his sermons, like Chalmers, or who does not, as was the case with Whitefield. A serious objection may be urged against laying aside altogether the practice of preaching written sermons, but we are convinced that an immense benefit would arise from the cultivation of extemporaneous eloquence in the way, and under the limitations prescribed in the elegant little treatise before us.

We have already said, that this art is an important one. The preacher, who possesses it, will find the discharge of his duty more easy, and will be likely to be more useful, than the one who does not. Writing out in full all the sermons, which a settled minister is called to preach, is an endless labor; it is a slavery of the mind, to which it cannot be for a long time subjected without being greatly wearied, nor without a very sensible diminution of its acuteness and vigor. This weariness results not merely from the labor of thought, but also from the excessive manual toil, which must be endured by every one who comes often before the people, and yet cannot do it without a written preparation. If it is a fact, therefore, that a person can learn to express himself with propriety and effect in unpremeditated language, the individual, who deprives himself of this power, or rather who fails to attain it, voluntarily subjects himself to more wearisome efforts and a greater burden of toil, than would be required in making this valuable acquisition.

The advocates for extemporaneous preaching do not assert, that it should be attempted without a laborious preparation; they insist on the severest mental discipline. But even after many preparatory efforts, beginners in this exercise must expect sometimes to meet with a discomfiture. A certain sternness of purpose and selfpossession are essential to success, and these are not to be acquired except by repeated exertions in this mode of public speaking. The following remarks by Mr Ware, bearing on this point, are judicious and interesting.

'The history of the world is full of testimony to prove how much depends upon industry; not an eminent orator has lived, but is an example of it. Yet in contradiction to all this, the almost universal feeling appears to be, that industry can effect nothing, that eminence is the result of accident, and that every one must be content to remain just what he may happen to be. Thus multitudes, who

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come forward as teachers and guides, suffer themselves to be satisfied with the most indifferent attainments, and a miserable mediocrity, without so much as inquiring how they might rise higher, much less making any attempt to rise. For any other art they would have served an apprenticeship, and would be ashamed to practise it in public before they had learned it. If any one would sing, he attends a master, and is drilled in the very elementary principles; and only after the most laborious process dares to exercise his voice in public. This he does, though he has scarce anything to learn but the mechanical execution of what lies in sensible forms before his eye. But the extempore speaker, who is to invent as well as to utter, to carry on an operation of the mind, as well as to produce sound, enters upon the work without preparatory discipline, and then wonders that he fails! If he were learning to play on the flute for public exhibition, what hours and days would he spend in giving facility to his fingers, and attaining the power of the sweetest and most impressive execution. If he were devoting himself to the organ, what months and years would he labor, that he might know its compass and be master of its keys, and be able to draw out, at will, all its various combinations of harmonious sound, and its full richness and delicacy of expression. And yet he will fancy, that the grandest, the most various, the most expressive of all its instruments, which the infinite Creator has fashioned by the union of an intellectual soul with the powers of speech, may be played upon without study or practice; he comes to it, a mere uninstructed tyro, and thinks to manage all its stops, and command the whole compass of its varied and comprehensive power! He finds himself a bungler in the attempt, is mortified at his failure, and settles in his mind forever, that the attempt is vain.

'Success in every art, whatever may be the natural talent, is always the reward of industry and pains. But the instances are many, of men of the finest natural genius, whose beginning has promised much, but who have degenerated wretchedly as they advanced, *because they trusted to their gifts, and made no effort to* improve. That there have never been other men of equal endowments with Cicero and Demosthenes, none would venture to suppose; but who have so devoted themselves to their art, or become equal in excellence? If those great men had been content, like others, to continue as they began, and had never made their persevering efforts for improvement, what would their countries have benefited from their genius, or the world have known of their fame? They would have been lost in the undistinguished crowd, that sunk to oblivion around them. Of how many more will the same remark prove true! What encouragement is thus given to the industrious! With such encouragement, how inexcusable is the negligence, which suffers the most interesting and important truths to seem heavy and

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dull, and fall ineffectual to the ground, through mere sluggishness in the delivery! How unworthy of one, who performs the high function of a religious instructer, upon whom depend in a great measure, the religious knowledge, and devotional sentiment, and final character of many fellow beings, to imagine, that he can worthily discharge this great concern by occasionally talking for an hour, he knows not how, and in a manner he has taken no pains to render correct, impressive, or attractive; and which, simply through that want of command over himself, which study would give, is immethodical, verbose, inaccurate, feeble, trifling. It has been said of the good preacher,

That truths divine come mended from his tongue.

Alas, they come ruined and worthless from such a man as this. They lose that holy energy by which they are to convert the soul and purify man for heaven, and sink, in interest and efficacy, below the level of those principles, which govern the ordinary affairs of this lower world.'

This extract will give some idea of the sentiments of our author, as they appear in his own chastened and animated style. As no one can probably be found, who will object to the sentiments here advanced, we feel ourselves permitted to say, that as little exception will be taken to the characteristics of this treatise generally. It bears throughout the marks of thought, of candor, of reflection. The perusal of it by any person can hardly fail to have a good effect, to operate as a confirmation of good purposes, and an excitement to greater diligence.

That was an excellent saying of Plato, as transmitted to us by Cicero, *Non nobis solum nati sumus, ortusque nostri partem patria vindicat, partem amici.* We are not born, we do not live for ourselves alone; our country, our friends, have a share in us. If this maxim is true in a general sense, how much more so when applied to ministers of the Gospel? If there be any persons, who should forget themselves and their own personal interests in their zeal for the general good, it is doubtless this class. The motives, which should operate on them, are high and sacred; such also is the end, at which they profess to aim. It is their great work to correct the wanderings of their fellowmen, to make them wiser, better, holier; and in such a work how reasonable is it to expect, that they should be fervent, laborious, and untiring in their endeavors faithfully to execute their charge.

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'The great essential requisite to effective preaching in this method, or indeed in any method,' says our author, 'is a devoted heart. A strong religious sentiment, leading to a fervent zeal for the good of other men, is better than all rules of art; it will give the preacher courage, which no science or practice could impart, and open his lips boldly, when the fear of man would keep them closed. Art may fail him, and all his treasures of knowledge desert him; but if his heart be warm with love, he will "speak right on," aiming at the heart and reaching the heart, and satisfied to accomplish the great purpose, whether he be thought to do it tastefully or not.'

In preaching, as in almost everything else, labor and perseverance are necessary to success, and furthermore, the best models are to be studied. We may venture to say, that genius in a public speaker never has, and probably never will, supply the place of intellectual toil; and what greater impulse can be given to genius, what greater excitement to submit to this toil, than the contemplation of the excellencies of the illustrious dead?

In connexion with Mr Ware's valuable treatise, we recommend to those, who are preparing themselves for the public ministry, Fenelon's Dialogues on Eloquence. It is remarked in a preface to this work, by the Chevalier Ramsay, that 'the ancients had treated the subject of eloquence in various ways, as logicians, as grammarians, and as critics; but the Archbishop of Cambray had gone farther, and treated it as a philosopher and a Christian.' Probably no man understood the principles of eloquence better than Fenelon. His taste was formed on the purest models, the study of the Greeks and Romans, and of that book, which affords more instances of genuine simplicity and the true sublime than any other, the Holy Scriptures. No mistake is more common among young preachers, than an unworthy affectation of a sparkling brilliancy. They seem to think the genuine spirit of eloquence consists in decorating common and ordinary thoughts in a rich and imaginative dress, no matter how fantastic, and how little in harmony with the conception. 'Uncommon expressions,' says Hume, 'strong flashes of wit, pointed similes, and epigrammatic turns, especially when they recur too frequently, often disfigure rather than embellish a discourse. It commonly happens, in such cases, that twenty insipid conceits are found for one thought, which is really

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beautiful.' We know of no production better fitted to correct this mistake, than the Dialogues, which we have mentioned. The author is an advocate for simplicity, though he shows no hostility to subdued ornament, and those occasional metaphors, which, in the excitement of description and argument, are thrown out burning from the heart.

If simplicity and a natural manner of expression are requisite to eloquence in general, how necessary is it to that species termed the eloquence of the pulpit. The truths of religion cannot be said to come 'mended' from the preacher's tongue, unless they are pronounced with plainness of speech, and are attended with an earnestness, resulting from a conviction of their importance. The subjects introduced in pulpit discussions are of too high and holy a nature to admit of the tawdry decorations, which an untutored imagination, especially when joined to a heart unmoved, would be inclined to communicate to them. This point deserves the more consideration, when it is felt, that without a chastened imagination and a correct taste, all attempts at extemporaneous eloquence will be likely to prove utterly unsuccessful. But a cultivated taste is not all, nor will freedom from puerilities and improprieties of expression alone make one eloquent; there are also required the earnestness of conviction, the genuine pathos of nature and truth, the flame of a heavenly animation kindling in the soul. It is the best policy for a public speaker to dispense with all tricks of rhetoric, which are fitted merely to amuse, and that profusion of ornament, which is the mark of a weak, and always of an undisciplined mind, and, whether his language be premeditated or extemporaneous, to have his own heart full of the subject, and to aim directly at the hearts of his hearers by the shortest avenues, and with the greatest possible power.

ART. III.—*Goethe's Werke, &c.*

The Works of Goethe. Published by J. G. Cotta. 20 vols. Stuttgard and Tübingen. 1815—1819.

THE most eminent German writers have often been misunderstood, and their claims to admiration unjustly represented. The time is yet remembered, when German sentiment

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and German metaphysics were common expressions of a disdainful criticism, and when the German poetry, though allowed to be original and various, was also proscribed as unnatural and exaggerated. If the principles of reciprocity and mutual justice are to be applied in the world of letters, there is no nation, which so signally merits a fair and impartial judgment from foreigners. In poetry, no less than in matters of science, they have been careful to become familiar with the best productions of the human mind, whatever may have been their origin, and by means of excellent translations they have incorporated them into their own literature. Shakspeare and Calderon are acted in German theatres; the novels of Scott are found in every literary circle; Tasso reaps new laurels in the disguise of the northern dialect; and Franklin teaches practical wisdom in the heart of Europe no less than in America.

The literature of a great nation must be approached with respect. If a good book contains the best thoughts and sentiments of a fine mind, 'the life blood of a master spirit,' the literature of a nation contains all the noble feelings, the creed, the morals, and the aspiration of a people. To condemn it in a mass, is to pronounce the sentence of worthlessness against a large part of the whole sum of human existence. Respect for human nature, therefore, allows no hasty judgments against a national literature, that is, against the wisdom of a whole nation, as collected and preserved by itself in written monuments.

The literature of a people, if it be good, will be peculiar; it will contain a description of emotions belonging to itself, of sensations which have not been aroused or indulged by others, of thoughts and sentiments new in themselves, or at least in the forms under which they are represented. For the perfect culture of the moral man it is necessary to become acquainted with all the operations of the heart and the mind; and since the experience of an individual is never sufficient to accomplish this end, and private examples seldom exhibit distinctly the character of the inward emotions, it is necessary to observe them as they appear in masses, to review the history of other times, to watch the nature of the affections as they are seen in the monuments of various nations, and so to become instructed in all the forms under which the passions have appeared.

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A foreign literature will seldom be in strict harmony with the taste and associations acquired at home; but this, far from being any objection to its excellence, confers on it an additional claim to attention. New views of man and of life are to be drawn from unexplored sources; the great spectacle of the world is exhibited under a novel form. Yet the studious observer must be on his guard while forming his opinion, lest that which has remained unknown be pronounced unnatural, the sensibilities, which have not been cherished, be ridiculed as insincere, and any unusual delineation of the affections be regarded as an indication of bad taste and of a fondness for exaggeration. The literature of each nation is national, and the true critic must endeavor to regard it from the same point of view with the nation, on which it was designed to produce an effect. The whole sphere of the fine arts becomes changed by differences of climate, of situation, of national character. It is the same as to each particular effort; its purpose must be known before its merit can be estimated. A painting, intended for a ceiling, would appear absurdly on the wall; a beautiful ballad, which has its justification in a national superstition, may have no direct support in cool reason; a play, of which the object is only to give a calm delineation of a state of mind, must not be judged by its effect on the stage; the poetry of the oriental nations can hardly be found tolerable, except by those who read till they catch the spirit of the East; nay, the Grecian drama itself, the most perfect monument of the union of genius and taste, does not seem impassioned and powerful except to the scholar.

Let these remarks be applied to the literature of Germany. If on first acquaintance it offend, or seem strange and unnatural, this is nothing more than might have been expected; for the culture, and consequently the productions of the Germans, have much that is original and peculiar; and every peculiarity, both in the forms and in the subjects of their works, only makes them more worthy of respect, just as reverence is especially due to any one, who can teach new lessons on life and the mode of regulating the passions.

Goethe is the most national poet of the Germans, the most fit representative of their literature, and, more nearly than any other, the universal favorite of his countrymen. Here

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are reasons enough for examining his works with a willingness to discover beauties, and for condemning any of them, if any are to be condemned, with hesitation. There is still another reason for speaking of him with respect. He was born in the same year with Alfieri, and is consequently now more than seventy six years of age. And can reverence be denied to the old age of an industrious and popular writer, whose life may be traced in the monuments of his mind?

Of the value of Goethe's poetry different opinions may exist; but it is too late to dispute his genius. To direct the taste and govern the thoughts of the many, is one of the clearest indications of intellectual power. It is now more than fifty years since Goethe entered the lists of literary competition, and during the whole of that period he has held possession of public admiration. Pericles is acknowledged to have been a consummate statesman, because he for forty years preserved his supremacy in the councils of one city; in the German republic of letters, opinions are as free and as fickle, as was the popular voice at Athens; and he, who has had them in his favor for more than half a century, and has all that time been hazarding his reputation by new efforts, must certainly have a powerful, a rich, and an inventive mind.

Popularity, extensive and lasting popularity, is the least questionable testimony to poetic excellence. If the multitude and the critic are at variance, the latter is in the wrong. The poet reflects the passions and sentiments of men; he connot please long and widely, unless he reflects them with truth. If his pictures are universally recognised, they cannot but be executed with fidelity. All the reasonings of cavillers cannot weaken Homer's claim to veneration; human nature itself rises up and declares him to be her greatest bard; and she expresses her judgment in the collected voices of ages and nations.

The literary history of Goethe is most intimately connected with that of his private life. The place of his birth and early residence facilitated the acquisition of his native language in all its extent. The dialects of the Rhine lands are unsettled, and he, who is accustomed to them from his infancy, finds it easy to adopt all the words, which are elsewhere in currency. A native of Holstein, or the remoter Prussia, could hardly have acquired the same copiousness and versa-

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tility in the use of the German. It was in Frankfurt also, the free imperial city, the theatre of the emperor's coronation, that the imagination of Goethe learned to employ itself on images of ancient times.

The progress of the culture of his mind may be traced in his works, where the results of studies, which had an influence on his character, and the lively feelings of youth, are exhibited in their most glowing colors. At the university of Leipzig he found little that was in harmony with his poetic inclinations; he was therefore obliged to look into his own heart and entrust its experiences to verse. The productions of his early life partake of the character of his mind. They contain the expressions of feelings, vehement and uncontrolled, the clear indications of great powers, not yet directed by reflection nor restrained by taste. Both *Goetz* and *Werther* bear the impress of genius, and are strictly national works. They are also both the results of Goethe's early predilections and passions. In the drama he concentrated all that had passed through his mind, while studying the antiquities of Germany, and the monuments of knighthood; and in Werther he introduced all that observation and the experience of his own heart had taught him of the wasting vehemence of love. This is not the highest kind of fine writing. Goethe himself was soon to be governed by other views. A poet must be able to do more than feel deeply, and breathe what he has felt into words. Preserving his own mind serene, he must observe and express whatever is pure, and delicate, and noble in human nature and the universe.

Two years after the appearance of Werther, Goethe is found at Weimar, in the full enjoyment of popular applause, possessed of the affectionate regard of the prince, who had just inherited the ducal purple, surrounded in the city by the best artists and scholars of Germany, and admired at court by a circle celebrated for its refinement, elegance, and taste for intellectual enjoyments. Here, then, the youthful poet was in a situation to finish the discipline and education of his mind. The inspiration of the feelings was succeeded by that of taste; the vehemence of the passions became moderated and chastened into elegance.

In due time Goethe was honored with the various civil titles, which are most coveted by his countrymen. It is

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known that the pencil of Raphael almost made him a cardinal; Goethe, in honor of his skill in poetry, was actually introduced into the council of his sovereign, and the cabinet of his ministers. But he never was withdrawn from literature by political ambition. Devoted to the pursuit of letters, he found his happiness and his sphere of usefulness in following the impulse of his feelings. In this he forms an honorable exception to the many European scholars, who, moved by the desire of temporary distinction, have passed from literary occupations, which promised universal and lasting reputation, to the intrigues of courts, or the petty warfare of local politics. In seasons of difficulty it becomes a good citizen to sacrifice private duties to the public welfare and security; but in ordinary times the government will easily continue in *successful operation, men of integrity and patriotism will be* promoted to places of honor and responsibility, and a sufficient number be induced by common ambition to present themselves as candidates for public employment. It becomes then the duty of those, whose education has fitted them for the career of letters, to pursue that course, and not to abandon the sacred places of truth and knowledge, which need protection, to stand before the temple of liberty and social order, which is already secure.

To Goethe no praise belongs for having led a literary life; he has but lived for immortality, instead of living for the moment. And besides, in this he exercised no selfdenial; the strong passion of ambition was stifled in him by the still stronger passion for letters and the arts. He loved the Muse sincerely, and when he heard the distinct, melodious voice of the Goddess, he felt her superiority to her earthly rivals. But let the poet declare his own preference. In a production of a later period he expresses the feelings, which he has cherished through life.

MEINE GÖTTIN.

Welcher Unsterblichen
Soll der höchste Preis seyn?
Mit Niemand streit' ich,
Aber ich geb' ihn
Der ewig beweglichen,
Immer neuen,
Seltsamen Tochter Jovis,
Seinem Schosskinde,
Der Phantasie.

MY GODDESS.

Who of Heaven's immortal train
Shall the highest prize obtain?
Strife I would with all give o'er,
But there 's one, I 'll aye adore,
Ever new, and ever changing,
Through the paths of marvel ranging,
Dearest in her father's eye,
Jove's own darling, Phantasy.

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Denn ihr hat er
Alle Launen,
Die er sonst nur allein
Sich vorbehält,
Zugestanden,
Und hat seine Freude
An der Thörinn.

Sie mag rosenbekränzt
Mit dem Lilienstängel
Blumenthäler betreten,
Sommervögeln gebieten,
Und leichtnährenden Thau
Mit Bienenlippen
Von Blüthen saugen;

Oder sie mag,
Mit fliegendem Haar
Uud düsterm Blicke,
Im Winde sausen
Um Felsenwände,
Und tausendfarbig,
Wie morgen und abend,
Immer wechselnd
Wie Mondesblicke,
Den Sterblichen scheinen.

Lasst uns alle
Den vater preisen!
Den alten, hohen,
Der solch eine schöne,
Unverwelkliche Gattinn
Dem sterblichen menschen
Gesellen mögen!

Denn uns allein
Hat er sie verbunden
Mit Himmelsband,
Und ihr geboten,
In Freud' und Elend,
Als treue Gattinn,
Nicht zu entweichen.

Alle die andern
Armen Geschlechter
Der kinderreichen
Lebendigen Erde
Wandeln und weiden
In dunkelm Genuss
Und trüben Schmerzen
Des augenblicklichen
Beschränkten Lebens,
Gebeugt vom Joche
Der Nothdurft.

Uns aber hat er
Seine gewandteste,
Verzärtelte Tochter,
Freut euch! gegönnt.
Begegnet ihr lieblich

For to her, and her alone,
All his secret whims are known;
And in all her faults' despite
Is the maid her sire's delight.

Oft with aspect mild she goes,
Decked with lilies and the rose,
Walks among the flowery lands,
Summer's insect swarm commands,
And for food with honied lips
Dew drops from the blossom sips.

Or with darker mien and hair
Streaming loose in murky air,
With the storm she rushes by,
Whistling, where the crags are high,
And with hues of thousand dyes
Like the late and early skies,
Changes and is changed again,
Fast as moons, that wax and wane.

Him, the ancient sire we'll praise,
Who, as partner of our days,
Hath to mortal man allied
Such a fair, unfading bride.

For to us alone she's given,
And is bound by bonds of heaven:
Still to be our faithful bride,
And though joy, or wo betide,
Ne'er to wander from our side.

Other tribes, that have their birth
From the fruitful, teeming earth,
All, through narrow life remain
In dark pleasures, gloomy pain,
Live their being's narrow round,
To the passing moment bound,
And unconscious roam and feed,
Bent beneath the yoke of need.

But to us with kind intent
He his frolic daughter sent,
Nursed with fondest tenderness;
Welcome her with love's caress,

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Wie einer Geliebten!
Lasst ihr die Würde
Der Frauen im Haus!

Und dass die alte
Schwiegermutter Weisheit
Das zarte Seelchen
Ja nicht beleid'ge!

Doch kenn' ich ihre Schwester,
Die ältere, gesetztere,
Meine stille Freundinn;
O dass die erst
Mit dem Lichte des Lebens
Sich von mir wende,
Die edle Treiberinn,
Trösterinn Hoffnung!

And take heed, that none but she
Mistress of the mansion be.

And of Wisdom's power beware,
Lest the old stepmother dare,
Rudely harm the tender fair.

Yet I know Jove's elder child,
Graver, and serenely mild,
My belov'd, my tranquil friend;
From me never may she wend;
She, that knows with ill to cope,
And to action urges,—Hope.

In the mean time a change was going forward in the character of Goethe's mind. Though possessed of public favor, sure of admiration, and conscious of unexhausted resources, he for twelve years published nothing of importance. But all the while he was making advances; the fervor of youth was yielding to discretion; the elegant and intelligent circles at the court, the men of letters at Weimar, a tour in Switzerland, reflection and study, contributed each in its degree to finish his education as a poet. At last, in 1786, he was seized with an irresistible longing to go beyond the Alps, and he was enabled to gratify the passion for travelling, that passion, which is stronger than ambition, which has relieved dethroned monarchs of their weariness, and allured statesmen from the career of public life; which withdrew Cæsar from victory, and Cleopatra to gaze at the cataracts of the Nile, and gave to the most illustrious Swedish queen instead of a reign of glory a tomb in the Vatican. Had Italy nothing but its sky and its scenery, where nature has exhibited her loveliest forms and lavished her delicacies; or its poetry, which contains all that can delight and elevate the imagination; or its music, chaunted in the streets, given in full choirs in the churches, charming the senses by the artful combinations of harmony in the operas, and heard in all its tenderness and perfection at the vespers in St Peter's and the choruses of the Holy Week; or its buildings and statues; or its pictures, which exhibit not only all that is most beautiful in real life, but all that ideal loveliness, which the mind of man has been enabled to conceive; or its recollections, not of the ancient heroes of the commonwealth only, but of Petrarch, Raphael

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and Michael Angelo; or lastly, the race which now dwells there; it would be a country full of instruction for the poet, fit to enrich his mind with images, excite and diversify his inventive powers, and impart a poetic impulse to all his faculties. Goethe entered it in the best years of early manhood, possessing a mind already well disciplined, a cultivated taste, a lively perception of the beautiful, a judgment improved by study and fitted to observe and compare. What wonder, then, that a residence in Italy of two years should have had an important influence on his intellectual character. The generous fruit, which was a native of the northern soil, was ripened beneath an Italian sun. If in his works Goethe bestows on his princely patron higher eulogies, than republican pride can regard with complacency, who would measure the gratitude due for the advantage of a residence in Italy, a residence, which, besides the immediate gratification and enjoyment, necessarily forms an epoch in the private history of the mind?

At the period of his return from Italy, the character and taste of Goethe were formed and established. Nothing remained for him but to delight the world with his ripened productions, and to continue to improve every talent and cherish every feeling, with which nature had blessed him. His *Faust*, the most wonderful and most original production of the German muse, had been an invention of his youth, but was now matured and finished with the strictest care. This work, though it exhibits vice in all its deformity, as essentially mean and hideous, is still not of a purely moral tendency; and though abounding in sallies of genius, accurate delineations of man, and exhibitions of the heart, with all the strength and weakness of the passions, it is still liable to censure for its occasional levity, and its too daring extravagance. His *Iphigenia*, and his *Tasso*, are monuments of industrious genius, which his countrymen admire with one voice, and which posterity will not willingly suffer to perish. His mind was all the while acquiring new stores of thought, and his feelings, his taste in poetry, his love of the arts were gratified by the most varied studies. And this shows perhaps the only point, in which the inventive writer has the advantage over the man of science. The latter is more sure that industry will ultimately be followed by success, reputation, and opportunities of use-

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fulness; yet he must limit his investigations, concentrate his powers, and at the best connect the general culture of his understanding with a particular science. But it is the duty of the former to seek for continual change, a rapid succession of pleasant and noble sensations, to roam wherever there are flowers, to gather from the remotest parts the scattered objects of beauty, to contemplate excellence of one particular class, till the mind has become enriched by it, and then to pass onwards to new stores of information, and new sources of beauty, so that every principle of human nature, every passion, every feeling, and every power may be developed, disciplined, and brought to its highest perfection.

The later works of Goethe are characterised by dignity, composure, and deliberation. Having acquired a knowledge of man by a ready talent at observation, and having possessed himself of extensive learning, which, though it may in itself be barren, fertilises and adorns, he continued to write with perfect selfpossession, to plan with coolness, and to finish with effort and care. In a word, the years of his apprenticeship were over, and he had become a consummate master in his art. *Werther* had been written in four weeks. The later productions of Goethe were not the accidental effusions of a fine mind, but the finished works of an artist, considerate in the use of his resources, and regularly and harmoniously advancing to the accomplishment of his design. The dramatic poem, *Tasso*, the performance in which, perhaps, the German language appears in its most perfect state, bears marks of long study and care; and *Wilhelm Meister* occupied the poet for more than fifteen years. The productions of Goethe are, therefore, instructive subjects of consideration to any, who are desirous of becoming acquainted with the secrets of fine writing, and wish, in the spirit of deeper criticism, to trace the formation of the poet's mind, and observe his skill in the use and combination of his materials.

Goethe is distinguished above his countrymen for the ease, grace, and variety of his style. He has had great influence on the German language, by showing how it may be successfully employed in the different departments of letters. When he commenced his career as a writer, he did not find a language already perfected and fixed by acknowledged standards. The style common among his earlier contemporaries,

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was homely and uncouth. 'The fates,' says Goethe of himself, while his ears were delighted with the Italian dialect, 'the fates would have succeeded in making a poet of me, if the language had not proved an unconquerable obstacle.' And in another place he says, 'I have essayed many things, have sketched, engraved, painted in oil, have expressed many a conception in clay, yet I have been unstable, and have learned and executed nothing; one talent and one only I have learned to exercise almost with a master's skill, to write German. And thus, an ill starred poet, I waste my life and my art on the worst material.' These complaints respecting the unpoetical character of his language are curious; especially when we consider, that whatever may have been its character forty years ago, no continental dialect can now be compared with it for the copiousness, boldness, and beauty of its poetic expressions.

The variety of style, for which Goethe is distinguished, may further be urged in illustration of his genius. No two of his novels resemble each other in manner of execution, or the character of the invention, and in his poetical works he sometimes writes with the careful elegance, and collected sublimity of the ancients, and sometimes reproduces the light and fascinating beauties of the poets of chivalry. His *Hermann and Dorothea* is a strictly national poem, in which the German manners are described in a plain and almost homely manner, yet with inimitable truth; and again in his *Tasso*, a drama which has no other object than to depict a condition of mind, the nicest shades of sentiment, and the most exquisitely refined tastes, are described in language of golden harmony. In *Egmont* we find ourselves transported to the streets of Brussels, mixing in the popular clamors and complaints of the disaffected Netherlands; and it would almost seem, that the tragic muse of the Greeks had herself dictated *Iphigenia* to a worthy disciple of Euripides. And though the tragedy, which is intended to exhibit the chivalric age in Germany, is not of universal interest, yet it merited success, for it awakened a national spirit, it revived the proud feelings of knighthood, and showed, that the history of Germany could offer fit subjects for the exercise of poetic endowments.

If Goethe, amidst his unequalled success in Germany, has not obtained the suffrages of the other European nations, the

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causes exist in the character of his works. They are not master pieces in the regular classes of literature. They appear as anomalous, because they are original, national, and unlike the foreign models. Besides, his efforts have not all been successful ones; and some works, in which his genius is apparent, are offensive from the indifference to moral effect pervading both their plan and their execution. A reason why many of his works cannot be popular in America is found in the nature of his subjects. Instead of describing sentiments of tenderness and true humanity, and depicting the feelings which warm, and cheer, and bless mankind in the seasons of bereavement or success, he has more frequently sketched the sorrows, which spring from the imagination, and the evils to which men have become exposed by the vices of refinement. He can, therefore, meet with sympathy only among those, who have felt or observed the anguish of similar mental suffering. In Germany the characters in the *Elective Affinities* are acknowledged to be drawn with agonising truth; but in the United States, thanks to the venerated sanctity of domestic attachment, the book would be thrown aside with incredulity as a false and dangerous libel on human nature.

On this point of imaginative distress how striking is the contrast between the present literature and that of the ancients. Among the latter we hear nothing of the torments of a diseased or ill regulated mind, at least till the age of Sappho. A man like Rousseau could not have been formed under the institutions of Attica; beings like Childe Harold and Lara of the English poet, or Faust and Tasso of the German, could not have been invented by an early Greek writer. Human nature, and usually under a cheerful aspect, as the dispenser of social happiness and the mother of generous actions, was the theme of the epic and tragic muse. The bard of Chios was the friend of man; and in the spirit of cheerful benevolence exhibits Glaucus rejoicing in his youth and glowing with generous emulation; Nestor, though he had seen three races of men fade before him, still contemplating with much complacency the labors and changes of being; Hector, in the season of danger, yielding for a moment to the softness of parental affection. In Homer the scenes are as on the morning of a battle, when the warhorse is prancing, and the hero exulting, as a strong man before a

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race. But Goethe, unmindful of the example of the ancients, presents the field of battle at evening, when the weary are retiring from the conflicts of life with mangled limbs and heavy hearts. He depicts men driven to despair and suicide by hopeless desire, women languishing from a passion, which their own innocence condemns, persons of delicate sensibility brooding over unreal pains, till they turn every object in nature into nutriment for their weakness, and 'drink misanthropy even from the sources of love.' Yet his descriptions are made in the spirit of kindness, not of scorn. The wounds of the affections are touched with a healing hand, and the government of the passions may be learned from the examples, that are given of their ruinous power.

But not only has Goethe described the vicious sentiments and painful excitement, which grow out of refinement; he has also sketched with a light pencil the delicate and amiable sympathies of life, and the noble emotions which can arise only in cultivated minds. By the description of mental sorrow, he controls the feelings of compassion, and by incorporating into his verse and his romances the experience of his life, he becomes a practical guide, though he may more frequently warn against danger, than direct towards purity and virtue.

These remarks are offered as the result of an examination of his whole literary career. Were the criticism of particular works to be attempted, it would be necessary to give praise and blame with circumspection. It would also be a duty to censure some of them with indignation, and to express both surprise and disgust, that a man of fine genius, *conversant with the sentiments and principles which are the living springs of beauty*, a man, who, as he observes of himself, had received the veil of poetry from the hand of truth, should have stooped to win a disgraceful popularity by appeals to the weakness and unworthy passions of human nature, and darkened the clear revelations of celestial beauty by the mixture of earthly passions. But the good and the evil of his labors are concealed in a foreign dialect; and in such cases, it is the most charitable and most useful course to cherish and communicate all that is excellent, while whatever is exceptionable may be suffered to escape censure by remaining unknown.

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The poetical character of Goethe can hardly be set in a proper light by an appeal to his minor poetry alone. His songs are various in their tone and sentiments. Some are delicate and tender, some grave and moral, and all distinguished for playful fancy and elegance. 'His errors and his efforts, his sorrows and his way of life, are here but as flowers in the nosegay. His age not less than his youth, his failings not less than his virtues, appear charming in his songs.' It would be desirable to present a few specimens of these exquisite little pieces; but their beauty consists, not in a pointed thought, but in the expression of a feeling, and the grace and harmony of diction. The spirit of them evaporates in a translation, in which the same thoughts might be conveyed, but in a colder manner. There are many beautiful plants, which the most experienced florist could not recognise, were he to see them without their leaves and flowers.

His ballads are remarkable both for their intrinsic beauty, their variety, and the influence which they have exercised on the English, no less than the German literature. They are all characterised by simplicity both in the invention and the style of execution, by harmony of versification, and an easy and rapid narration. In making a few translations from them, the first object will be to express the original with exactness, so that at least an accurate idea of the plan of the original poems may be presented.

'Mignon,' the invitation to Italy, is introduced into the novel, *Wilhelm Meister*, and derives a part of its charms from its adaptation to the character, by whom it is feigned to have been composed.

MIGNON.

Knowest thou the land, where groves of citrons flower,
The golden orange darkling leaves embower,
The gentle breezes wave from azure skies,
The myrtle still, and high the laurels rise?
Knowest thou the land?
O! there, O! there,
I long with thee, my loved one, to repair.

Knowest thou the house? It rests on pillars tall,
The chambers gleam, in splendor shines the hall,
And marble forms on me their eyes incline,

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And seem to say, poor child, what grief is thine?
Knowest thou the house?
O! there, O! there,
I long with thee, my guardian, to repair.

Knowest thou the hill? Its pathway mid the clouds?
The journeying mules the mountain vapor shrouds?
In caverns dwell the dragon's ancient brood;
The rock is rent, and o'er it pours the flood.
Knowest thou the hill?
O! there, O! there,
Our pathway leads, my father, haste, repair!

The bard is called into the presence of his sovereign, and delights the beauty and chivalry of the court by his lyre and his verse. A chain of gold is offered him by the monarch in reward of his skill. He regards it with indifference, and rejecting the golden compensation, asks but for a cup of wine.

He sings, as mid the verdant boughs
The bird so merrily sings;
The song, that from the bosom flows,
Itself its guerdon brings.

'The Violet' first appeared in *Erwin and Elmira*, a melodrame of no great interest or beauty. But the song is at once tender and delicate, and the German critics describe it as a light effusion of fancy, possessing a magic charm to interest the feelings. It is not perhaps every one, who will consent to find the wizard's power in so airy a trifle. It must be a powerful enchanter, whose spells are obeyed by every spirit, and the amulet, which preserves the faithful, may be to others but a useless bauble. For the rest the ballad may speak for itself.

Das Veilchen.	The Violet.
Ein Veilchen auf der Wiese stand, Gebückt in sich und unbekannt; Es war eie herziges Veilchen. Da kam eine junge Schäferinn, Mit leichtem Schritt und munterm Sinn, Daher, Daher, Die Wiese her, und sang.	A violet blossom'd on the green, With lowly stem, and bloom unseen; It was a sweet, wee flower. A shepherd maiden came that way With lightsome step and aspect gay, Came near, came near, Came o'er the green with song.
Ach! denkt das Veilchen, wär 'ich nur Die schönste Blume der Natur,	Ah! thought the violet, might I be The fairest flower on all the lea, Ah! but for one brief hour;

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Ach! nur ein kleines Veilchen,
Bis mich das Liebchen abgepflückt,
Und an dem Busen matt gedrückt!
Ach nur, ach nur,
Ein Viertebstündchen lang!

Ach! aber ach! das Mädchen kam
Und nicht in Acht das Veilchen nahm,
Ertrat das arme Veilchen.
Es sank und starb und freut sich noch;
Und sterb' ich denn, so sterb' ich doch
Durch sie, durch sie,
Zu ihren Füssen doch.

And might be pluck'd by that dear maid,
And gently on her bosom laid,
Ah but, ah but,
A few dear moments long.

Alas! the maiden, as she pass'd,
No eye upon the violet cast;
She crush'd the poor, wee flower;
It sank, and dying heaved no sigh,
And if I die, at least I die
By her, by her,
Beneath her feet I die.

'The Erl King' is of a higher character, vigorous, tragic, and exquisitely finished. The little poem, which follows, is in like manner founded on a popular German superstition

The Angler.

The water purl'd; the water rose;
An angler near it lay,
And held his line in cool repose,
And watch'd his nibbling prey.
And as he watch'd in pensive mood,
The waves apart were flung;
Bright with the waters of the flood,
A glittering maid upsprung.

She spake, she sang in accents sweet;
Why lure my brood on high
With human skill and fell deceit
In day's hot air to die?
Ah! couldst thou know, how cheerly live
The fish upon the ground,
Deep in the waves thou too wouldst dive,
Where health and rest are found.

The glorious sun his visage laves,
The moon, in ocean's bed;
And round their brows the spangling waves
A twofold lustre shed.
Behold the heavens profound and clear,
In moist, reflected blue;
And lo! thine imaged features here,
Deep in the eternal dew.

The water purl'd; the water rose,
And wet his naked feet;
With fond desire his heart o'erflows,
As when true lovers meet.

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She spake to him; she sang to him;
Poor youth! with him 'tis o'er;
Moved by her spell, he downwards fell,
And man ne'er saw him more.

'The King in Thule' is found in Faust, but is also inserted in the collection of Goethe's ballads. He is far too respectable a character to be trifled with, and as an English dress does not become him, let him remain undisturbed in his original dignity.

The 'Song of the Captive Count' connects, in a pleasing manner, the lively personification of natural objects with expressions of the purest affection.

SONG OF THE CAPTIVE COUNT.

Count.

A flower, that 's wondrous fair I know,
My bosom holds it dear,
To seek that flower I long to go,
But am imprison'd here.
'Tis no light grief oppresses me;
For in the days my steps were free,
I had it always near.

Far round the tower I send mine eye,
The tower so steep and tall;
But nowhere can the flower descry
From this high castle wall;
And him who 'll bring me my desire,
Or be he knight, or be he squire,
My dearest friend I 'll call.

Rose.

My blossoms near thee I disclose,
And hear thy wretched plight;
Thou meanest me, no doubt, the rose,
Thou noble, hapless knight.
A lofty mind in thee is seen,
And in thy bosom reigns the queen
Of flowers, as is her right.

Count.

Thy crimson bud I duly prize
In outer robe of green;
For this thou 'rt dear in maiden's eyes,

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As gold and jewels sheen,
Thy wreath adorns the fairest brow,
And yet the flower—it is not thou,
Whom my still wishes mean.

Lily.

The little rose has cause for pride,
And upwards aye will soar;
Yet am I held by many a bride
The rose's wreath before.
And beats thy bosom faithfully,
And art thou true, and pure as I,
Thou 'lt prize the lily more.

Count.

I call myself both chaste and pure,
And pure from passions low;
And yet these walls my limbs immure
In loneliness and wo.
Though thou dost seem, in white array'd,
Like many a pure and beauteous maid,
One dearer thing I know.

Pink.

And dearer I, the pink, must be,
And me thou sure dost choose,
Or else the gard'ner ne'er for me
Such watchful care would use;
A crowd of leaves encircling bloom!
And mine through life the sweet perfume,
And all the thousand hues!

Count.

The pink can no one justly slight,
The gard'ner's favorite flower;
He sets it now beneath the light,
Now shields it from its power.
Yet 'tis not pomp, which o'er the rest
In splendor shines, can make me blest;
It is a still, small flower.

Violet.

I stand conceal'd, and bending low,
And do not love to speak;
Yet will I, as 'tis fitting now,
My wonted silence break.

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For if 'tis I, thou gallant man,
Thy heart desires, thine, if I can,
My perfumes all I 'll make.

Count.

The violet I esteem indeed,
So modest and so kind;
Its fragrance sweet, yet more I need,
To soothe my anguish'd mind.
To you the truth will I confess;
Here mid this rocky dreariness,
My love I ne'er shall find.

The truest wife by yonder brook
Will roam the mournful day,
And hither cast the anxious look,
Long as immured I stay.
Whene'er she breaks a small blue flower,
And says, Forget me not! the power
I feel, though far away.

Yes, e'en though far, I feel its might,
For true love joins us twain,
And therefore mid the dungeon's night
I still in life remain.
And sinks my heart at my hard lot,
I but exclaim; Forget me not!
And straight new life regain.

Tales of sorrow are no longer in vogue; yet the German inventions on supernatural subjects have exercised a strong and continuing influence on some of the greatest English poets of the present age. Perhaps the world is indebted for *Manfred* to the intimate acquaintance of Monk Lewis with the German literature. Lord Byron was himself no proficient in the German language, but in his early youth received of Lewis an outline of Goethe's Faust, and this may have been, probably was, the germ of that English tragedy.

Time and opportunity would fail, should it be attempted to transfer to the English all that is original, or beautiful in the shorter poems of Goethe. Many of them are distinguished for their truth, gravity, elegance, and are specimens of the finest moral poetry of his country. But they are in many points so peculiar, that an intimate acquaintance with them can alone make their worth understood. The poet's views

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of life, his experience, his sorrows, his principles are all entrusted to his muse. Who has not heard of the vanity of pursuit, the certainty that hope will be disappointed, and that the restless activity and ambition of youth are after all to be followed only by the decrepitude and indolence of age? Goethe repeats the same lesson, but it is in an allegory. The ancient castle stands in its majesty; the heroes, who have ruled in it, and returned to it in victory, are now but shadows; the last surviver of the house is just on the point of commencing in his turn the unsuccessful pursuit after glory and happiness.

THE SALUTATION OF A SPIRIT.

High on the castle's ancient walls
The warrior's shade appears;
Who to the bark that 's passing calls,
And thus its passage cheers.

Behold! these sinews once were strong;
This heart was firm and bold;
Mid war and glory, feast and song,
My earthly years were told.

Restless through half of life I ran,
In half have sought for ease;
What then? Thou bark! that sails with man,
Haste, haste to cleave the seas.

The moral of these lines is not disheartening. Though youth can promise itself no other happiness than that of constant exertion, and age can expect no other enjoyment than what attends on tranquillity and repose, the course of life must still be run fearlessly and in the spirit of trust.

In another poem, the vanity of pleasure is illustrated by comparing it to an insect of brilliant wings, shining splendidly so long as it can buzz and sparkle in the sun, but losing its lustre, when examined by the hand of impertinent curiosity.

JOY.

Where yonder fountain streams,
What fluttering insect gleams?
She changes oft her hues,
As the cameleons use;
Now white, now dark she seems;

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Now red, now blue,
Now blue, now green;
How bright must she appear,
Could I behold her near!

The Libellula sings, and flits,
In circles soars, nor rests her wing.—
Hist! on the willow now she sits—
And now I've caught the beauteous thing,
And gaze; but ah! what meets my view?
Her brilliant tints a touch destroys,
And leaves a dark and cheerless blue.
This is thy fate, anatomist of thy joys.

Among all the poems of Goethe there is but one regular fable.

THE EAGLE AND THE DOVE.

In search of prey an eagle flew
In towering pride; a fowler threw
The pointed shaft, that, truly aimed,
Reach'd the high bird; his wing is maim'd.
Downwards he drops enfeebled to the ground;
Hid in a grove, where myrtles bloom'd around;
For three long days he chew'd upon his grief,
And for three long, long nights found no relief.
Nature at length, whose balsam heals
All pain, and everywhere is found,
Soothed his distress and heal'd his wound.
Then from the bushes' shade he steals,
And wide expands his wings. Alas!
His pinion's force the shaft had borne away,
And he no more above the clouds can pass,
And scarcely rise to seize unworthy prey.
Involved in inward misery
On a low rock he rests beside the brook,
Casts on the oak, the heavens, a wistful look,
And a tear fills his haughty eye.

On rustling pinions through the myrtle grove
Attended by his mate a dove drew near.
They hop from branch to branch, and nodding rove
O'er golden sand, and by the riv'let clear.
As gaily thus the pair advance,
With sparkling eye and am'rous glance,
They see the bird, that secret mourns;

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And t'wards the bush that hid his deep distress,
Selfsatisfied in social friendliness,
On airy wing the dove inquiring turns.
Thou 'rt sad, he softly lisps; be of good cheer;
All thou canst need for happiness is here.
Canst thou not rest beneath the golden bough,
Which shields thee from the noon's consuming glow?
On the soft moss beside the brook recline,
And gaze where evening's varying colors shine?
Thy walks are o'er the dews of op'ning flowers,
And through the bushes of the fragrant wood;
Where thou canst gather fit and grateful food;
And where the silver fountain purely pours,
A cooling draught to quench short thirst canst find.
True happiness is a contented mind,
And a contented mind is everywhere content.
O wise one! spake the eagle, and he sent
An earnest look of deeper grief above;
O wisdom! thou dost counsel as the dove.

The truth of this conclusion most men can acknowledge. It is in vain to demonstrate to an ambitious man the folly of his ambition, or to make the artist and the poet, who are thirsting for praise, confess that men's opinions are worth nothing. Ambition continues in power; the passion for praise still excites and controls; men desire what they do not possess, what they do not need, and what they never can attain; and he, who feels himself to have been created for a high station, to which he has forfeited his claim, cannot but be dissatisfied with himself and with the world.

But the works of Goethe are not without lessons of practical morality. Though he makes no boasts of being himself a religious man, he acknowledges religion to be essentially the best foundation of a good character, and considers cooperation with others in works of practical utility, and in the execution of just and righteous designs, the safest and the happiest course. He has also drawn many exquisite and elevating pictures of female excellence, has illustrated the superiority of domestic life, and has given the noblest encomiums to that sex, which knows how to establish order and economy, to feel, and to endure. 'Ye call woman fickle,' says he, 'ye err; she but roams in search of a steadfast man.' Though Goethe has so often delineated imaginary woes, and carried

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his readers into a world of fiction, yet it is the tendency of his writings to promote a love for the arts, for activity, for truth. They do not merely teach us to be satisfied with the world, but to bear with it, by showing how rich it is in the means of acquiring virtues, and of performing just and benevolent deeds.

ART. IV.—*The American Farmer, containing Original Essays and Selections on Rural Economy and Internal Improvements; with Illustrative Engravings and the Prices Current of Country Produce.* JOHN S. SKINNER, Editor. 5 vols. 4to. Baltimore. 1821—1824.

THE wealth of a nation, and consequently the prosperity and happiness of the community, depend on three sources of industry, usually denominated agricultural, manufacturing, and commercial. The labored discussions into which political economists have entered, respecting the comparative importance of these modes, and the zeal with which each has been defended in preference to the other two, have been more frequently marked with local predilections and love of theory, than with consistency and broad views of the subject. In its general and abstract sense the topic cannot be discussed; that is, it is wholly impossible to decide, upon any general principles, whether agriculture, manufacture, or commerce, affords the best field for human industry. A union of the three is essential to the well being, nay to the existence of civilised society, and it depends wholly on the circumstances of any particular country, or district, whether one or the other ought to receive the greatest degree of attention. A good government will take care to encourage them all, and to strengthen each in proportion as the others may be gaining an undue ascendency; and the largest amount of public happiness will be enjoyed by that nation, in which these several branches of industry flourish together, and with nearly an equal degree of activity.

It was the theory of a class of French writers on political economy, of whom Quesnai was at the head, that the only productive labor was that bestowed in cultivating the earth.

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Agriculture alone they deemed the source of the increase of value or capital, which they supposed to constitute wealth. They did not deny that the manufacturer, who fashioned materials into other forms, gave them an additional value, but they maintained that this amounted to no more, than the value of what he consumed during the operation; so that in reality nothing was added to the general stock of wealth. And as for merchandise, it was considered as a mere exchange, in which things of equal value were given for each other, and of course nothing was gained to the original mass. Till the time of Adam Smith this theory was supported with much pertinacity, and it was gravely and acutely argued, that whatever direction labor might take in accommodation to the order and progress of society, it actually produced nothing in the shape of wealth or capital, except when employed in the cultivation of the soil.

This theory is built on an unsound basis, a false notion of what constitutes wealth, and the value of effects produced by labor. What is the wealth of a community but the means of subsistence, comfort, happiness? That nation, which has the ability to enjoy all these in the greatest degree is the richest; and labor bestowed in any way to increase the comforts and conveniences of life, is at the same time enlarging the stock of national wealth in the same proportion. Agriculture contributes its due share in this work, but in no state of civilised society does it accomplish any more than a part. Agriculture alone would supply us with the necessities of life, the means of subsistence, and here its agency would stop. Shall we call this wealth, and the only valuable product of labor? Do we not need raiment and shelter, and is there no value in these? But the moment we begin to fabricate garments and build houses, we become manufacturers. Indeed, the agriculturalist himself must first manufacture, or procure to be manufactured, his implements of husbandry, or his labor will produce nothing. We thus see in the first place, that the product of agriculture is in itself but a small part of national wealth, and in the second place, that this cannot be made to minister even to the common necessities, much less the comforts and enjoyments of life, without the aid of manufacture. The result is very plain, that the theory of the economists has no foundation.

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This conclusion will be confirmed by considering in what national wealth actually consists. As we have above hinted, everything, which can be converted by human agency into the effective means of social comfort, prosperity, and happiness, is so far an item of the wealth of the community in which it is found. The facilities possessed by a nation for obtaining the necessaries and conveniences of life are its wealth; or, as Mr Raymond has expressed it in a single word, it consists in the *capacity* for attaining these ends. A nation has lands, navigable waters, roads, canals, portions of soil devoted to agriculture, streams giving motion to machinery, harbors, towns, and shipping suited to commerce, gold, silver, merchandise, and a healthy, industrious, intelligent, enterprising population engaged in all the numerous employments, which the organisation of society demands; these are its capacity for supplying the wants, and multiplying the comforts of life; these are its wealth. Labor, or efficient industry, is undoubtedly the most important element of this wealth, for it is by this that all the other elements are made productive.

The theory of Adam Smith differs not in reality from that of the economists. He states it in different terms, and under a modified aspect, but when pursued to its natural limits it will run to the same extreme. He divides labor into two kinds, which he calls *productive* and *unproductive*; the former denotes that labor, which produces a raw material, or adds to the saleable value of a material already produced; the latter is that which leaves nothing behind it, but whose effects terminate with the exertion. The practical agriculturist and mechanic are productive laborers, because they add a permanent value to some existing material; whereas the house servant, or the man employed merely for the convenience or gratification of others, is an unproductive laborer; he does not increase the aggregate amount of value in the community, nor of course the general stock of wealth.

The unsoundness of this theory will be perceived, when we attempt to draw the line between what the author's principles would distinguish as productive and unproductive labor. Where shall this line be drawn? Dr Smith says between that labor, which adds value to some material, and that which adds none. But why fix the limit here? The author would

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reply, because the first kind of labor increases value and thus accumulates wealth. Here is the fallacy. What he calls the wealth of a nation is wealth, it is true, but it is only a part of the whole, and other parts are to be sought in other sources, one of which is what he denominates unproductive labor. All labor is productive, which promotes the end it designs, and when this end is a benefit to the laborer himself, or to any other individual, it has value, and as far as it ministers to the wants or comforts society, or any members of society, it is an item of the general wealth. The labor of the servant is as really productive labor as that of the cultivator, or the cotton spinner, but in a different way. It produces the means of living for himself, and the means of comfort for his employer, and for every person, who is benefited by his services. That is, it adds to the mass of national wealth, not in food, or clothing, or any kind of manufactured fabrics, but in keeping up the order of society, and increasing the happiness of human existence to a certain number of individuals. So with the professional musician; his labor accumulates nothing; it produces the means of his own subsistence, and gives pleasure to others; or, in other words, it produces such results, in regard to human enjoyment, as accumulated wealth would produce. The same may be said of other professions, employed in preserving the intercourse of society. They add nothing to the amount of agricultural or manufactured products, they bring no new combinations of matter into existence, yet it would be a great error to say that they are unproductive, since they are among the principal agents of social order and comfort.

Hence the distinction set up by Dr Smith between different kinds of labor does not exist. The labor, which he calls unproductive, has the same properties, and produces the same effects, as that denominated productive. The purposes of social being are equally promoted by both. The division itself is arbitrary, and, if made at all, can be fixed only at one point, and that is between agricultural and all other kinds of labor. At this point the difference is sufficiently marked, inasmuch as agricultural labor is especially productive in bringing something out of the soil, which did not exist before, and thus increasing the quantity of available materials; whereas, every other kind of labor only modifies these mate-

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rials, or puts them into new shapes, and thus gives them a value by changing their forms, and not by producing their substance. In this arbitrary sense the terms productive and unproductive may possibly be used as applied to labor. The theory will then be identical with that of the economists, referring all productive labor and substantial wealth to agriculture alone.

To this extreme Dr Smith was evidently unwilling to be carried; but, although he attempts to controvert the doctrine of the economists, his principles lead to it, and the force of his illustrations is mainly derived from their tendency to confirm it. He estimates the value of agricultural labor as greatly superior to that of any other, because 'in agriculture nature labors along with man,' whereas 'in manufactures nature does nothing, man does all.' The product of this work of nature in agriculture he considers as net gain, not to be derived from labor employed in any other pursuit. It is on this ground, that he ascribes to agriculture the chief power in producing wealth, and thus leaves his theory open to all the objections urged against the economists. His mistake consists in limiting to agriculture what he calls the labor of nature, when in reality nature works as much for the artist, the mechanic, and the mariner, as for the farmer. Let it be acknowledged that nature works in the fertilising principle of the earth, and in bringing to maturity the products of the soil; it must also be allowed, that she works equally for the mechanic in sustaining the properties of matter, and enabling it to be wrought into such forms as skill or fancy may dictate. She works for the manufacturer by upholding the mechanical powers, and by lending her streams, the agency of her fires, and her great law of attraction, to put his machinery in motion, and give efficiency to his enterprise. She supplies the bounties of her forests, her mines, and fields to the shipwright, and freely offers her waves and her winds to waft the goods of the merchant from one clime to another in obedience to his will. In short, without the helping hand of nature nothing could be brought to pass; she works everywhere and at all times, and that is a fallacious theory, which claims her partiality to any particular branch of human exertion. If she does more for one than another, it is because a superior in-

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genuity succeeds in gaining a more effectual control over her agency.

There are two things, which give advantages to manufacturing industry, not common to the other branches; first, the *multiplication of machinery;* and, secondly, the *division of labor*. In modern times these have been carried to a great extent, and are every day increasing. Simple machinery, constructed at a comparatively small expense, and kept in motion by water power, is made to perform the labor of a vast many hands, thus leaving to be turned into other channels a large portion of labor, which, without the aid of improved machinery, would be required to produce the same effects. This advantage has no limit, as machinery may be multiplied indefinitely, and the power of putting it in motion, either by water or steam, is inexhaustible. The division of labor creates skill, and rapidity of operation, by concentrating all the powers of mind and habit within a small compass, and thus enabling a certain number of men, by assigning to each a particular department, to accomplish more in a given time, than it would be possible for them to do, if each were employed in constructing the entire fabric.

Now these advantages, immense as they are in saving labor, are nearly confined to manufacture. The division of labor, it is true, is necessary to a certain degree in mercantile transactions, and the use of machinery adds something to the facilities of shipbuilding, yet the benefits to be derived from these sources are within a narrow space, and can never be extended far. And in regard to agriculture, the same remark will have still more force. Machinery here can do very little under any circumstances; the implements of husbandry must always be simple, and such as will require a large portion of manual labor to use them with effect. Nor in cultivating the earth can the division of labor take place to such an extent, as to produce much benefit; the change of seasons, and the nature of the employment, render it necessary for the practical farmer to be engaged at different times in all the branches of his profession. It thus appears, that in the means of creating value, and increasing national wealth, with the least amount of labor, manufacture possesses in some respects a decided advantage over the two other branches of industry.

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This advantage is doubtless sometimes balanced by others pertaining to agriculture and commerce, but not universally. Political changes may give facilities for profitable commercial enterprise, which the manufacturer does not possess, and an uncommonly fruitful season may enlarge the average income of the farmer. The manufacturer is not affected by incidents of this nature, any farther than they produce a fluctuation in the market, and this is as likely to operate against him, as in his favor. These remarks apply to the different branches of industry, as they relate to individuals engaged in them, but when we look at each in a national point of view, we shall find that the results of commerce have an importance by no means to be surpassed by those of either of the other branches. Society is itself a system of exchanges, and although we would not say with Count Destutt Tracy, that 'commerce is the whole of society,' any more than we would assent to his position, that 'labor is the whole of riches,' yet we may venture to say, that all the main operations of society are carried on by commerce. A thing is valuable to us, because we can exchange it for something else, which we value more; and whether the exchange is made in our own neighborhood, or on the other side of the ocean, the benefit is the same to us, and the purposes of life are equally answered. If a man could not exchange the proceeds of his labor, for the proceeds of the labor of others, which he wants more, he would gain nothing by society, nor receive any equivalent for the independence he resigns in submitting to the social compact.

The advantages of a national commerce reach to the most trivial interests of society; it stimulates every species of industry; the farmer labors and thrives, because the merchant is ready to take his surplus produce, and give in exchange articles more valuable to him. The manufacturer works for the merchant, and if commerce or exchange should stop, his labor and his profits would be at an end. Commerce aids the successful prosecution of manufacture, the fabrics of which must be widely dispersed, before they can come into the hands of the consumers. Besides, the great advantages above described, as peculiar to manufacturing industry, can only be enjoyed in proportion as an outlet shall be found for manufactured products. A limit would be fixed to the multiplication of ma-

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chinery and the division of labor, unless a thriving commerce should always be prepared to take off the surplus articles produced beyond the demand of the immediate vicinity of the place of manufacture. Commerce not only affords employment, subsistence, and comfort, to the large portion of population engaged in its concerns, but contributes most largely to the general wealth and prosperity, strength and happiness of every country where it is pursued, by taking away such of its products as are not wanted, finding the best market for them, and returning in their room articles esteemed of more value, and producing a greater amount of social enjoyment. Industry is quickened, habits of activity encouraged, and the powers of body and mind stimulated to a more vigorous, healthful, effective exercise.

But whatever may be thought of the comparative importance of these three branches of general industry, it will not be doubted, that each is essential to the political well being of a people, and that improvement in either or all of them should be hailed as favorable to the public good. Indeed, so close is their dependence on each other, that the gaining prosperity of one is a sufficient indication of the successful progress of the other two; agriculture must languish, if the active spirit of manufacture does not remove as fast as produced its surplus raw materials, and manufacture and commerce must flag, if the supplies of agriculture are not adequate to their demands. It is plain that agriculture is the basis of the other two, and although it does not follow, that a wise policy would bestow any extraordinary encouragement on this branch at the expense of the others, inasmuch as the state of greatest prosperity is that in which they are all mutually and equally active, yet, as the art of husbandry, like every other art, is susceptible of continued advancement, any exertions made to this end by individuals or classes of men are highly honorable and meritorious. In this country, in particular, where land is so abundant, and the labors of the agriculturalist are diffused over so wide a space, and expended with so little regard to system or methodical principles, the talents and time of any one can hardly be devoted to a better service, than that of inculcating a spirit of improvement in agriculture, by collecting and making known the results of experience, drawing the attention of practical farmers to subjects of useful inquiry, leading each

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to profit by the knowledge and attainments of the others, and thus teaching the art of extracting from the soil the greatest quantity of products, with the smallest expenditure of labor.

It is with this view of the subject, that we are inclined to approve highly the agricultural work, published by Mr Skinner in Baltimore, entitled the American Farmer. This journal was commenced in April, 1819, in a weekly quarto sheet, and five volumes have already been given to the public. It may be stated as no equivocal test of its merits, that within the above period three editions of some of the earlier volumes have been printed, and that the demand is increasing.

It has been the editor's plan to collect from all parts of the United States such facts as he could, on practical agriculture and domestic economy, and also to give short notices of the latest agricultural improvements in Europe. In looking over the pages of his journal we have been struck with his success, particularly in executing that part of his plan relating to this country. His industry has been unwearied in bringing together facts from every quarter of the union, derived from the highest sources, and almost uniformly possessing a strictly practical value. They are commonly drawn from the experience of eminent farmers, expressed in their own language, and accompanied with such judicious remarks, as add to their inherent value.

The work contains, also, many well written essays on the theory and general principles of agriculture, as well as on the economy of its particular departments, and in these will often be found decided marks of scholarship and science, no less than of observation and research. It is Mr Skinner's principal aim, however, to collect and communicate facts, and thus to convince the cautious, hesitating farmer what may be done, by proving to him what has been done. In this aim he judges rightly; the force of habit is to be broken before improvement can be expected, and in nothing, perhaps, is habit more tyrannical and obstinate, than in traditionary modes of agriculture. Reason, and speculation, and theory will do little towards conquering these. Repeated appeals to the senses, and reiteration of facts, touching at the same time the springs of interest, will at last make an impression, and unclose the eyes which prejudice had sealed. Farmers must see the path broad, and plain, and open, before they will venture to

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walk in it, however intricate or unpromising may be the old one to which they are accustomed. This mode of combining the scattered results, which experience has brought to light in solitary instances, and putting into the hands of individuals the power of profiting by the practical skill and knowledge of numbers, affords the best and perhaps the only means of awakening attention, and ensuring a general improvement.

In looking over the volumes of this work, and comparing the contents of different parts, especially the first volume with the last, it is evident that it has excited much inquiry and a spirit of observation among the farmers at the south, and turned the thoughts of many to a more careful and scientific culture. Excellent communications on subjects of husbandry are more numerous as the work advances, and minute details of the modes of successful cultivation, or of new and interesting experiments are more frequent. There are full accounts, in the shape of essays and remarks, scattered throughout the work, on the various methods of cultivating the staple commodities of the country, such as wheat, cotton, tobacco, and Indian corn, which cannot fail to be of great utility, by reason of their almost universal application. The raising of cattle, the growth of garden vegetables, the properties of different soils, the best modes of enriching lands and adapting them to particular products, these, and every other topic connected with the business of practical farming, are discussed in their due measure with such degrees of accuracy and intelligence, as the editor has been able to attain by his zeal, industry, and perseverance, through a wide correspondence. Well executed drawings are also frequently given of models, machines, agricultural implements, and of animals remarkable for their breed or other characteristics.

On the list of contributors we observe the names of some of our most eminent men in all parts of the union, whose labors it is gratifying to contemplate in the peaceful walks of agriculture, after the years of care and toil, which they have spent in the high duties of political life, gaining the independence and securing the glory and happiness of a nation. The work, it would seem, is particularly patronised by agricultural societies, which are springing up in many places, and which make this paper the vehicle of their communications to the public, and some of which have chosen its volumes as agri-

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cultural premiums. The legislature of North Carolina has recently authorised an appropriation, to be expended in purchasing a certain number of copies for the use of the state. These testimonies are such as would of themselves prove its importance and growing influence; and it is to be hoped, that Mr Skinner will daily find the rewards of his enterprise increased by the increasing circulation of his journal, and that his success will be such, as to encourage him to pursue his task with the same indefatigable exertions, which have hitherto characterised his labors.

In closing these remarks, we cannot refrain from presenting our readers with the following beautiful and and eloquent passage from Mr Biddle's Address before the Philadelphia Society for promoting Agriculture, which is printed in the fourth volume of the American Farmer.

'If I have failed to prove,' says Mr Biddle, 'that the pursuits of agriculture may be as lucrative as other employments, it will be an easier task to vindicate their pleasures and their importance. I need not dwell on that retirement, one of the purest enjoyments of this life, and the best preparation for the future, on those healthful occupations, on that calmness of mind, on that high spirit of manliness and independence, which naturally belong to that condition. These are attractions which must have deep roots in the human heart, since they have in all times fascinated at once the imagination and won the judgment of men. But I may be allowed to say, that in this nation agriculture is probably destined to attain its highest honors, and that the country life of America ought to possess peculiar attractions. The pure and splendid institutions of this people have embodied the brightest dreams of those high spirits, who in other times and in other lands have lamented or struggled against oppression; they have realised the fine conceptions which speculative men have imagined, which wise men have planned, or brave men vainly perished in attempting to establish. Their influence in reclaiming the lost dignity of man, and inspiring the loftiest feelings of personal independence, may be traced in every condition of our citizens; but as all objects are most distinct by insulation, their effects are peculiarly obvious in the country.

'The American farmer is the exclusive, absolute, uncontrolled proprietor of the soil. His tenure is not from the government; the government derives its power from him. There is above him nothing but God and the laws; no hereditary authority usurping the distinctions of personal genius; no established church spreading its dark shadow between him and heaven. His frugal government neither desires nor dares to oppress the soil; and the altars of reli-

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gion are supported only by the voluntary offerings of sincere piety. His pursuits, which no perversion can render injurious to any, are directed to the common benefit of all. In multiplying the bounties of Providence, in the improvement and embellishment of the soil, in the care of the inferior animals committed to his charge, he will find an ever varying and interesting employment, dignified by the union of liberal studies, and enlivened by the exercise of a simple and generous hospitality. His character assumes a loftier interest by its influence over the public liberty. It may not be foretold to what dangers this country is destined, when its swelling population, its expanding territory, its daily complicating interests, shall awake the latent passions of men, and reveal the vulnerable points of our institutions. But whenever these perils come, its most steadfast security, its unfailing reliance will be on that column of landed proprietors, the men of the soil and of the country, standing aloof from the passions which agitate denser communities, well educated, brave, and independent, the friends of the government without soliciting its favors, the advocates of the people without descending to flatter their passions; these men, rooted like their own forests, may yet interpose between the factions of the country, to heal, to defend, and to save.'

These views are full of interest, and afford abundant materials for serious reflection. When we look at the moral bearing of the three branches of industry, their comparative power over intellect, virtue, character, habit, they stand at a wide distance asunder. Agriculture undoubtedly takes precedency far above the other two, in its salutary influence on the mind, the heart, the affections, and indeed on all the principles, which adorn and dignify human nature. Agriculturalists pursue their labors singly; they are seldom thrown together so closely, as to be subject to the irritating circumstances incident to people living in compact bodies, where every evil passion finds nourishment, and the contagion of vice spreads rapidly, and sinks deeply into many hearts unprepared to resist its attacks, and unconscious of its secret ravages. It is a remark of Mr Jefferson, in his notes on Virginia, that 'corruption of morals in the mass of cultivators is a phenomenon, of which no age nor nation has furnished an example.' That history will bear out this remark in its fullest latitude we doubt not, for it accords with reason and the nature of things. In regard to manufacture, to say nothing of its effects on morals, which are allowed on all hands not to be favorable, its tendency is to narrow and degrade the mind.

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It converts man into a machine, in which no more intellect is necessary, than enough to direct its physical motions. The division of labor, from which manufacture receives one of its main advantages, operates directly to confine the range of the mind, and compel all its powers to act on a single object, however minute or insignificant. The point of Mr Say's observation, that 'to have never done anything but make the eighteenth part of a pin is a sorry account for a human being to give of his existence,' will apply with more or less force to the whole compass of manufacturing industry. Men must necessarily degenerate in such a soil. This is an evil not to be avoided, and since the interests of society require it to exist, it is the part of sound policy and humanity to diminish it as much as possible by wise regulations, and an effort to direct labor into its most salutary, as well as its most profitable channels.

ART. IV.—1. *The Orlando Innamorato; translated into Prose and Verse, from the Italian of Francesco Berni.* By W. S. ROSE. 8vo. pp. 279. London, 1823.

2. *The Orlando Furioso; translated into Verse from the Italian of Ludovico Ariosto.* By W. S. ROSE. Vol. 1. 8vo. London, 1823.

MR ROSE has been known for some years to his own countrymen as an original poet, and an accomplished Italian scholar. For the former character he is indebted to a little mock chivalric poem, entitled, 'Prospectus of an intended National Work, by W. & R. Whistlecraft.' This fraction of an epic, for it has not been completed, has passed through four or five editions in England. It is written in the style of Lord Byron's Beppo. It is said, that Mr Rose's poem was composed, though not published, before his Lordship's.* If

* Mr Rose sent a copy of his poem to Murray, who doubting its success with the public, transmitted it to Lord Byron then in Venice, requesting his opinion of it. His Lordship returned it in a very short time with his own 'Beppo,' telling his publisher, that he found the only way of getting Rose's rhymes out of his head, was to write something in the same way himself. Beppo was

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so, it must claim the merit of having introduced into England a style of composition before peculiar to Italy. Mr Rose's translation, or rather imitation of Casti's 'Animali Parlanti,' which appeared soon after, showed an uncommon acquaintance with the delicate idiom of the Italian tongue.

The characteristics of an Italian school are nowhere so discernible in English literary history, as under the reign of Elisabeth. At the period when England was most strenuous in breaking off her spiritual relations with Italy, she cultivated most closely her intellectual. It is hardly necessary to name either the cotemporary dramatists, or Surrey, Sidney, and Spenser, the former of whom derived the plots of many of their most popular plays, as the latter did the forms, and frequently the spirit of their poetical compositions, from Italian models. The translations of the same period were in several instances superior to any, which have been since produced. Harrington's version of the 'Orlando Furioso,' with all its inaccuracy, is far superior to the cumbrous monotony of Hoole. Of Fairfax, the elegant translator of Tasso, it is enough to say, that he is styled by Dryden 'the poetical father of Waller,' and quoted by him in conjunction with Spenser, as 'one of the great masters in our language.' The popularity of the Italian was so great even in Ascham's day, who did not survive the first half of Elisabeth's reign, as to draw from the learned schoolmaster much peevish animadversion upon what he terms, 'the enchantments of Circe, fond books of late translated out of Italian into English, and sold in every shop in London.' It gradually lost this wide authority during the succeeding century. This was but natural. Before the time of Elisabeth, all the light of learning which fell upon the world had come from Italy, and our own literature, like a young and tender plant, insensibly

immediately printed, with great success, and 'Whistlecraft' came limping after as a *follower* of the same school.

A little specimen of poetic waggery entitled *Pasquil's Night Cap*, written in the reign of James First, and which savours strongly of the licentious humor of that age, has been lately reprinted in London with a preface, importing that the style of composition lately introduced by Beppo is not so new as has been imagined. This ancient poem is certainly of the same school of burlesque. But when it is considered, that the species of writing had not been revived for two centuries, and moreover that the coarse merriment of this work falls far short of the polite badinage of the Italian poems, and of Rose's Whistlecraft, the claims of the latter to originality are not materially affected by it.

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put forth its branches most luxuriantly, in the direction whence it felt this invigorating influence. As it grew in years and hardihood, it sent its fibres deeper into its own soil, and drew thence the nourishment, which enabled it to assume its fair and full proportions. Milton, it is true, the brightest name on the poetical records of that period, cultivated it with eminent success. Any one acquainted with the writings of Dante, Pulci, and Tasso, will understand the value and the extent of Milton's obligations to the Italian. He was far from desiring to conceal them, and he has paid many a tribute 'of melodious verse' to the sources from which he drew so much of the nourishment of his exalted genius. 'To imitate, as he has done,' in the language of Boileau, 'is not to act the part of a plagiary, but of a rival.' Milton is, moreover, one of the few writers who have succeeded so far in comprehending the niceties of a foreign tongue, as to be able to add something to its poetical wealth; and his Italian sonnets are written with such purity, as to have obtained commendations even from the Tuscan critics.*

Boileau, who set the current of French taste at this period, had a considerable contempt for that of his neighbors. He pointed one of his antithetical couplets at the 'tinsel of Tasso,' (*'clinquant du Tasse,'*†) and in another he ridiculed the idea of Epics, in which 'the Devil was always blustering against the Heavens.'‡ The English admitted the sarcasm of Boileau with the cold commentary of Addison;§ and the 'clinquant du Tasse' became a cant term of reproach upon the whole body of Italian letters. The French went still further, and afterwards applying the sarcasm of their critic to Milton as well as to Tasso, rejected both the poets upon the same principles. The French did the English as much justice as they did the Italians. No great change of opinion in this matter took place in England during the last century. The Wartons and Gray had a just estimation of this beautiful tongue, but Dr Johnson, the dominant critic of that day, seems to have

* Milton in his treatise on *The Reason of Church Government*, alludes modestly enough to his Italian pieces, and the commendations bestowed upon them. 'Other things, which I had shifted in scarcity of books and conveniences to hatch up amongst them, were received with written encomiums, which the Italian is not forward to bestow on men of this side the Alps.'

† Satire IX. ‡ L'Art Poetique. C. III. § Spectator. No. 6.

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understood the language but imperfectly, and not to have much relished in it what he understood.

In the present age of intellectual activity, attention is so generally bestowed on all modern languages, which are ennobled by a literature, that it is not singular an acquaintance with the Italian, in particular, should be widely diffused. Great praise, however, is due to the labors of Mr Roscoe. There can be little doubt that his elaborate biographies of the Medici, which contain as much literary criticism as historical narrative, have mainly contributed to the promotion of these studies among his countrymen. These works have of late met with much flippant criticism in some of their leading journals. In Italy they have been translated, are now cited as authorities, and have received the most encomiastic notices from several eminent scholars. These facts afford conclusive testimony of their merits. The name of Mathias is well known to every lover of the Italian tongue; his poetical productions rank with those of Milton in merit, and far exceed them in quantity. To conclude, it is not many years since Cary gave to his countrymen his very extraordinary version of the father of Tuscan poetry, and Rose is now swelling the catalogue with translations of the two most distinguished chivalrous epics of Italy.

Epic romance has continued to be a great favorite in that country, ever since its first introduction into the polished circles at Florence and Ferrara, towards the close of the fifteenth century. It has held much the same rank in its ornamental literature, which the drama once enjoyed in the English, and which historical novel writing maintains now. It hardly seems credible, that an enlightened people should long continue to take great satisfaction in poems, founded on the same extravagant fictions, and spun out to the appalling length of twenty, thirty, nay forty cantos of a thousand verses each. But the Italians, like most southern nations, delight exceedingly in the uncontrolled play of the imagination, and they abandon themselves to all its brilliant illusions, with no other object in view than mere recreation. An Englishman looks for a moral, or at least for some sort of instruction, from the wildest work of fiction. But an Italian goes to it, as he would go to the opera; to get impressions, rather than ideas. He is extremely sensible to the fine tones of his native language,

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and under the combined influence produced by the coloring of a lavish fancy, and the music of a voluptuous versification, he seldom stoops to a cold analysis of its purpose or its probability.

Romantic fiction, however, which flourished so exuberantly under a warm southern sky, was transplanted from the colder regions of Normandy and England. It is remarkable that both these countries, in which it had its origin, should have ceased to cultivate it, at the very period when the perfection of their respective languages would have enabled them to do so with entire success. We believe this remark requires no qualification in regard to France. Spenser affords one illustrious exception among the English.*

It was not until long after the extinction of this species of writing in the north, that it reappeared in Italy. The commercial habits, and the republican institutions of the Italians in the twelfth and thirteenth centuries, were most unfavorable to the spirit of chivalry, and consequently to the fables which grew out of it. The three patriarchs of their literature, moreover, by the light which, in this dark period, they threw over other walks of imagination, turned the attention of their countrymen from those of romance. Dante, indeed, who resembled Milton in so many other particulars, showed a similar predilection for the ancient tales of chivalry. His *Commedia* contains several encomiastic allusions to them, but like the English bard, he contented himself with these, and chose a subject better suited to his ambitious genius, and inflexible temper.† His poem, it is true, was of too eccentric a cha-

* The *influence*, however, of the old Norman Romances, may be discovered in the productions of a much later period. Their incredible length required them to be broken up into *fyttes* or cantos by the minstrel, who recited them with the accompaniment of a harp, in the same manner as the epics of Homer, broken into *rhapsodies*, were chanted by the bards of Ionia. The minstrel, who could thus beguile the tedium of a winter's evening, was a welcome guest at the baronial castle, and in the hall of the monastery. As Greek and Roman letters were revived, the legends of chivalry fell into disrepute, and the minstrel gradually retreated to the cottage of the peasant, who was still rude enough to relish his simple melody. But the long Romance was beyond the comprehension or the taste of the rustic. It therefore gave way to less complicated narratives, and from its wreck may be fairly said to have arisen those Border songs and ballads, which form the most beautiful collection of rural minstrelsy, that belongs to any age or country.

† Milton's poetry abounds in references to the subjects of romantic fable, and in his '*Epitaphium Damonis*' he plainly intimates his intention of writing an epic on the story of Arthur. It may be doubted whether he would have succeeded on such a topic. His austere character would seem to have been better

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racter to be widely imitated,* and both Boccaccio and Petrarch, with less talent, had a more extensive influence over the taste of their nation. The garrulous graces of the former, and the lyrical finish of the latter, are still solicited in the lighter compositions of Italy. Lastly, the discoveries of ancient manuscripts at home, and the introduction of others from Constantinople, when that rich depository of Grecian science fell into the hands of the barbarian, gave a new direction to the intellectual enterprise of Italian scholars, and withdrew them almost wholly from the further cultivation of their infant literature.

Owing to these circumstances, the introduction of the chivalrous epopee was protracted to the close of the fifteenth century, when its first successful specimens were produced at the accomplished court of the Medici. The encouragement extended by this illustrious family to every branch of intellectual culture, has been too often the subject of encomium, to require from us any particular animadversion. Lorenzo, especially, by uniting in his own person the scholarship and talent, which he so liberally rewarded in others, contributed more than all to the effectual promotion of an enlightened taste among his countrymen. Even his amusements were subservient to it; and the national literature may be fairly said, at this day, to retain somewhat of the character communicated to it by his elegant recreations. His delicious villas at Fiesole and Cajano are celebrated by the scholars, who, in the silence of their shades, pursued with him the studies of his favorite philosophy and of poetry. Even the sensual pleasures of the banquet were relieved by the inventions of wit and fancy. Lyrical composition, which, notwithstanding its peculiar adaptation to the flexible movements of the Italian tongue, had fallen into neglect, was revived, and

fitted to feel the impulses of religious enthusiasm, than those of chivalry; and England has no reason to regret, that her most sublime poet was reserved for the age of Cromwell instead of the romantic reign of Elizabeth.

* The best imitation of the '*Divina Commedia*' is probably the '*Cantica in morte di Ugo Basville*,' by the most eminent of the living Italian poets, Monti. His talent for vigorous delineation by a single *coup de pinceau*, is eminently *Dantesque*, and the plan of his poem is the exact counterpart of that of the '*Inferno*.' Instead of a mortal descending into the regions of the damned, one of their number, (the spirit of Basville, a Frenchman,) is summoned back to the earth, to behold the crimes and miseries of his native country during the period of the revolution.

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together with the first eloquent productions of the romantic muse, was recited at the table of Lorenzo.

Of the guests who frequented it, Pulci and Politian are the names most distinguished, and the only ones connected with our present subject. The latter of these was received into the family of Lorenzo, as the preceptor of his children; an office for which he seems to have been better qualified by his extraordinary attainments, than by his disposition. Whatever may have been the asperity of his temper, however, his poetical compositions breathe the perfect spirit of harmony. The most remarkable of these, distinguished as the 'Verses of Politian,' (Stanze di Poliziano) is a brief fragment of an epic, whose purpose was to celebrate the achievements of Julian de Medici, a younger brother of Lorenzo, at a tournament exhibited at Florence, in 1468. This would appear but a meagre basis for the structure of a great poem. Politian, however, probably in consequence of the untimely death of Julian, his hero, abandoned it in the middle of the second canto, even before he had reached the event which was to constitute the subject of his story.

The incidents of the poem, thus abruptly terminated, are of no great account. We have a portrait of Julian, a hunting expedition, a love adventure, a digression into the island of Venus, which takes up about half the canto, and a vision of the hero, which ends, just as the tournament, the subject of the piece, is about to begin, and with it, like the 'fabric of a vision,' ends the poem also. In this short space, however, the poet has concentrated all the beauties of his art, the melody of a musical ear, and the inventions of a plastic fancy. His island of love, in particular, is emblazoned with those gorgeous splendors, which have since been borrowed for the enchanted gardens of Alcina, Armida, and Acrasia.

But this little fragment is not recommended, at least to an English reader, so much by its oriental pomp of imagery, as by its more quiet and delicate pictures of external nature. Brilliancy of imagination is the birthright of the Italian poet, as much as a sober contemplative vein is of the English. This is the characteristic of almost all their best and most popular poetry during the sixteenth and seventeenth centuries. The two great poets of the fourteenth approach much nearer to the English character. Dante shows not only deeper re-

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flection than is common with his countrymen, but in parts of his work, in the *Purgatorio* more especially, manifests a sincere relish for natural beauty, by his most accurate pictures of rural objects and scenery. Petrarch cherished the recollections of an unfortunate passion, until we may say, without any mystical perversion of language, it became a part of his intellectual existence.* This gave a tender and melancholy expression to his poems, more particularly to those written after the death of Laura, quite as much English as Italian. Love furnishes the great theme and impulse to the Italian poet. It is not too much to say, that all their principal versifiers have written under the inspiration of a real or pretended passion. It is to them what a less showy and less exclusive sensibility is to an Englishman. The latter acknowledges the influence of many other affections and relations in life. The death of a friend is far more likely to excite his muse, than the smiles or frowns of his mistress. The Italian seldom dwells on melancholy reminiscences, but writes under the impulse of a living and ardent passion. Petrarch did both, but in the poetry which he composed after the death of his mistress, exalted as it is by devotional sentiment, he

* Whatever may be thought of the speculations of the Abbe de Sade, no doubt can be entertained of the substantial existence of Laura, or of Petrarch's passion for her. Indeed, independently of the internal evidence afforded by his poetry, such direct notices of his mistress are scattered through his 'Letters' and serious prose compositions, that it is singular there should ever have existed a scepticism on these points. Ugo Foscolo, the well known author of '*Jacobo Ortis*,' has lately published an octavo volume entitled, '*Essays on Petrarch*.' Among other particulars showing the unbounded influence that Laura de Sade obtained over the mind of her poetical lover, he quotes the following memorandum, made by Petrarch, two months after her decease, in his private manuscript copy of Virgil, now preserved in the Ambrosian library at Milan.

'It was in the early days of my youth, on the sixth of April, in the morning, and in the year 1327, that Laura, distinguished by her own virtues, and celebrated in my verses, first blessed my eyes in the church of Santa Clara, at Avignon; and it was in the same city on the sixth of the very same month of April, at the very same hour in the morning, in the year 1348, that this bright luminary was withdrawn from our sight, when I was at Verona, alas! ignorant of my calamity. The remains of her chaste and beautiful body were deposited in the church of the Cordeliers, on the evening of the same day. To preserve the afflicting remembrance, I have taken a bitter pleasure in recording it, particularly in this book, which is most frequently before my eyes, in order that nothing in this world may have any further attraction for me; that this great attachment to life being dissolved, I may, by frequent reflection and a proper estimation of our transitory existence, be admonished that it is high time for me to think of quitting this earthly Babylon, which I trust it will not be difficult for me, with a strong and manly courage, to accomplish.'—p. 35.

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deviated from the customs of his nation and adopted an English tone of feeling. A graver spirit of reflection, and a deeper sympathy for the unobtrusive beauties of nature are observable in some of their later writers; but these are not primitive elements in the Italian character. Gay, brilliant, imaginative, are the epithets which best indicate the character of their literature during its most flourishing periods; and the poetry of Italy seems to reflect as clearly her unclouded skies and glowing landscape, as that of England does the tranquil and somewhat melancholy complexion of her climate.

The Verses of Politian, to return from our digression, contain many descriptions distinguished by the calm, moral beauty of which we have been speaking. Resemblances may be traced between these passages and the writings of some of our best English poets. The descriptive poetry of Gray and of Goldsmith, particularly, exhibits a remarkable coincidence with that of Politian in the enumeration of rural images. The stanza CXXI, setting forth the descent of Cupid into the island of Venus, may be cited as having suggested a much admired simile in Gay's popular ballad, *Black eyed Susan*, since the English verse is almost a metaphrase of the Italian.

'Or poi che ad ali tese ivi pervenne,
Forte le scosse, e giù calossi a piombo,
Tutto serrato nelle sacre penne,
Come a suo nido fa lieto colombo.'

'So the sweet lark, high poised in air,
Shuts close his pinions to his breast,
If chance his mate's shrill call he hear,
And drops at once into her nest.'

These 'Stanze' were the first example of a happy cultivation of Italian verse in the fifteenth century. The scholars of that day composed altogether in Latin. Politian, as he grew older, disdained this abortive production of his youthful muse, and relied for his character with posterity on his Latin poems, and his elaborate commentaries upon the ancient classics. Petrarch looked for immortality to his 'Africa,' as did Boccaccio to his learned Latin disquisition upon ancient mythology.* Could they now, after the lapse of more than four

* '*De Genealogia Deorum.*'—The Latin writings of Boccaccio and Petrarch may be considered the foundation of their fame with their cotemporaries. The coronation of the latter in the Roman capitol, was a homage paid rather to

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centuries, revisit the world, how would they be astonished, perhaps mortified, the former to find that he was remembered only as the sonnetteer, and the latter, as the novelist. The Latin prose of Politian may be consulted by an antiquary; his Latin poetry must be admired by scholars of taste; but his few Italian verses constitute the basis of his high reputation at this day with the great body of his countrymen. He wrote several lyrical pieces, and a short pastoral drama, (Orfèo,) the first of a species, which afterwards grew into such repute under the hands of Tasso and Guarini. All of these bear the same print of his genius. One cannot but regret, that so rare a mind should, in conformity with the perverse taste of his age, have abandoned the freshness of a living tongue for the ungrateful culture of a dead one. His 'Stanze,' the mere prologue of an epic, still survive amid the complete and elaborate productions of succeeding poets; they may be compared to the graceful portico of some unfinished temple, which time and taste have respected, and which remains as in the days of its architect, a beautiful ruin.

Luigi Pulci, the other eminent poet, whom we mentioned as a frequent guest at the table of Lorenzo de' Medici, was of a noble family and the youngest of three brothers, all of them even more distinguished by their accomplishments than by birth. There seems to be nothing worthy of particular record in his private history. He is said to have possessed a frank and merry disposition, and to judge from his great poem, as well as from some lighter pieces of burlesque satire, which he bandied with one of his friends, whom he was in the habit of meeting at the house of Lorenzo, he was not particularly fastidious in his humor. His *Morgante Maggiore* is reported to have been written at the request of Lorenzo's mother, and recited at his table. It is a genuine epic of chivalry, containing twentyeight cantos, founded on the traditionary defeat, the 'dolorosa rotta' of Charlemagne and his peers, in the valley of Roncesvalles. It adheres much more closely than any of the other Italian romances to the lying chronicle of Turpin.

It may appear singular, that the intention of the author should not become apparent in the course of eight and twenty cantos, but it is a fact, that the literati both at home and

his achievements in an ancient tongue, than to any in his own. He does not even notice his Italian lyrics in his '*Letter to Posterity*.'

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abroad, have long disputed whether the poem is serious or satirical. Crescimbini styles the author 'modesto e moderato;' while Tiraboschi expressly charges him with the deliberate design of ridiculing Scripture; and Voltaire, in his preface, cites the *Morgante* as an apology for his profligate 'Pucelle.' It cannot be denied, that the story abounds in such ridiculous eccentricities as give it the air of a parody upon the marvels of romance. The hero, Morgante, is a converted infidel, 'un gigante smisurato,' whose formidable weapon is a bell clapper, and who, after running through some twenty cantos of gigantic valor and mountebank extravagance, is brought to an untimely end by a wound in the heel, not from a Trojan arrow, but from the bite of a crab! We doubt, however, whether Pulci intended his satirical shafts for the christian faith. Liberal allowance is to be conceded for the fashion of his age. Nothing is more frequent in the productions of that period, than such irreverent freedoms with the most sacred topics, as would be quite shocking in ours. Such freedoms, however, cannot reasonably be imputed to profanity, or even levity, since numerous instances of them occur in works of professed moral tendency, as in the mysteries and moralities, for example, those solemn deformities of the ancient French and English drama. The chronicle of Turpin, the basis of Pulci's epic, which, though a fraud, was a pious one, invented by some priest to celebrate the triumphs of the christian arms, is tainted with the same indecent familiarities.*

Tempora mutantur. In a scandalous pasquinade published by Lord Byron in the first number of his Liberal, there is a verse describing St Peter officiating as the doorkeeper of Heaven. Pulci has a similar one in the Morgante (canto xxvi, st. 91,) which, no doubt, furnished the hint to his lordship, who has often improved upon the Italian poets. Both authors describe St Peter's dress and vocation, with the most whimsical minuteness. In the Italian the passage introduced

* This spurious document of the twelfth century contains, in a copy which we have now before us, less than sixty pages. It has neither the truth of history, nor the beauty of fiction. It abounds in commonplace prodigies, and sets forth Charlemagne's wars, and his defeat in the valley of Roncesvalles; an event which probably never happened. Insignificant as it is in every other respect, however, it is the seed from which has sprung up those romantic fictions, which adorned the rude age of the Normans, and which flourished in such wide luxuriance under Italian culture.

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into the midst of a solemn, elaborate description, has all the appearance of being told in very good faith. No one will venture to put so charitable a construction upon his lordship's motives.

Whatever may have been the intention of Pulci in the preceding portion of the work, its concluding cantos are animated by the genuine spirit of christian heroism. The rear of Charlemagne's army is drawn into an ambuscade by the treachery of his confidante Ganelon. Roncesvalles, a valley in the heart of the Pyrenees, is the theatre of action, and Orlando, with the flower of French chivalry, perishes there overpowered by the Saracens. The battle is told in a sublime epic tone worthy of the occasion. The cantos, XXVI, XXVII, containing it, are filled with a continued strain of high religious enthusiasm, with the varying animating bustle of a mortal conflict, with the most solemn and natural sentiment suggested by the horror of the situation. Orlando's character rises into that of the divine warrior. His speech at the opening of the action, his lament over his unfortunate army, his melancholy reflections on the battle field the night after the engagement, are conceived with such sublimity and pathos, as attest both the poetical talent of Pulci, and the grandeur and capacity of his subject. Yet the Morgante, the greater part of which is so ludicrous, is the only eminent Italian epic, which has seriously described the celebrated rout at Roncesvalles.

Pulci's poem is not much read by the Italians. Its style in general is too unpolished for the fastidious delicacy of a modern ear, but as it abounds in the old fashioned proverbialisms (*riboboli*) of Florence, it is greatly prized by the Tuscan purists. These familiar sayings, the elegant slang of the Florentine mob, have a value among the Italian scholars, at least among a large faction of them, much like that of old coins with a virtuoso. The more rare and rusty, the better. They give a high relish to many of their ancient writers, who, without other merit than their antiquity, are cited as authorities in their vocabulary.* These *riboboli* are to be met with most abundantly in their old *novelle*, those especially which are made up of familiar dialogue between the lower classes of

* This has been loudly censured by many of their scholars opposed to the literary supremacy of the Della Cruscan Academy. See, in particular, the acute treatise of Cesarotti, '*Saggio sulla Filosofia delle Lingue.*' *Parte IV.*

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citizens. Boccaccio has very many such; Sacchetti has more than all his prolific tribe, and it is impossible for a foreigner to discern or to appreciate the merits of such a writer. The lower classes in Florence retain to this day much of their antique picturesque phraseology,* and Alfieri tells us, that 'it was his great delight to stand in some unnoticed corner, and listen to the conversation of the mob in the market place.'

With the exception of Orlando, Pulci has shown no great skill in delineation of character. Charlemagne and Ganelon are the prominent personages. The latter is a parody on traitors; he is a traitor to common sense. Charlemagne is a superannuated dupe, with just credulity sufficient to dovetail into all the cunning contrivances of Gan. The women have neither refinement nor virtue. The knights have none of the softer graces of chivalry; they bully and swagger like the rude heroes of Homer, and are exclusively occupied with the merciless extermination of infidels. We meet with none of the imagery, the rich sylvan scenery, so lavishly diffused through the epics of Ariosto and Boiardo. The *machinery* bears none of the airy touches of an Arabian pencil, but is made out of the cold excrescences of northern superstition, dwarfs, giants, and necromancers. Before quitting Pulci, we must point out a passage, (canto xxv. st. 229, 230,) in which a devil announces to Rinaldo, the existence of another continent beyond the ocean, inhabited by mortals like himself. The theory of gravitation is also plainly intimated. As the poem was written before the voyages of Columbus, and before the physical discoveries of Galileo and Copernicus, the predictions are extremely curious.† The fiend alluding to the vulgar superstition entertained of the pillars of Hercules, thus addresses his companion.

> Know that this theory is false; his bark
> The daring mariner shall urge far o'er

*'The pure language of Boccaccio, and of other ancient writers, is preserved at this day, much more among the lower classes of Florentine mechanics, and of the neighboring peasants, than among the more polished Tuscan society, whose original dialect has suffered great mutations in their intercourse with foreigners.' Pignotti. '*Storia della Toscana.*' *Tom. II. p.* 167.

† Dante, two centuries before, had also expressed the same belief in an undiscovered quarter of the globe.

> De' vostri sensi, ch'è del rimanente,
> Non vogliate negar l'esperienza,
> *Diretro al sol, del mondo senza gente.*
>
> *Inferno.* Can. XXVI. v. 115.

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The western wave, a smooth and level plain,
Albeit the earth is fashion'd like a wheel.
Man was in ancient days of grosser mould,
And Hercules might blush to learn how far
Beyond the limits he had vainly set,
The dullest seaboat soon shall wing her way.
Men shall descry another hemisphere,
Since to one common centre all things tend;
So earth, by curious mystery divine
Well balanced, hangs amid the starry spheres.
At our Antipodes are cities, states,
And thronged empires, ne'er divined of yore.
But see, the Sun speeds on his western path
To glad the nations with expected light.

The dialogues of Pulci's devils respecting freewill and necessity, their former glorious, and their present fallen condition, have suggested many hints for our greater Milton to improve upon. The juggling frolics of these fiends at the royal banquet in Saragossa, may have been the original of the comical marvels played off through the intervention of similar agents by Dr Faust.

Notwithstanding the good faith and poetical elevation of its concluding cantos, the Morgante, according to our apprehension, is anything but a serious romance. Not that it shows a disposition to satire, above all to the religious satire, often imputed to it, but there is a light banter, a view of fun running through the greater portion of it, which is quite the opposite of the lofty spirit of chivalry. Romantic fiction among our Norman ancestors, grew so directly out of the feudal relations and adventurous spirit of the age, that it was treated with all the gravity of historical record. When reproduced in the polite and artificial societies of Italy, the same fictions wore an air of ludicrous extravagance, which would no longer admit of their being repeated seriously. Recommended however, by a proper seasoning of irony, they might still amuse as ingenious tales of wonder. This may be kept in view, in following out the ramifications of Italian narrative poetry, for they will all be found, in a greater or less degree, tinctured with the same spirit of ridicule.*

* A distinction may be pointed out between the Norman and the Italian epics of chivalry. The former composed in the rude ages of feudal heriosm, are entitled to much credit as pictures of the manners of that period. While

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The circle for whom Pulci composed his epic, was peculiarly distinguished by that fondness for good humored raillery, which may be considered a national trait with his countrymen.

It seems to have been the delight of Lorenzo de' Medici, as it was afterwards in a more remarkable degree, of his son Leo Tenth, to abandon himself to the most unreserved social freedoms with the friends whom he collected around his table. The satirical epigrams, which passed there in perfect good humor between his guests, show, at least, full as much merriment as manners. Macchiavelli concludes his history of Florence with an elaborate portrait of Lorenzo, in which he says, that 'he took greater delight in frivolous pleasures, and in the society of jesters and satirists than became so great a man.' The historian might have been less austere in his commentary upon Lorenzo's taste, since he was not particularly fastidious in the selection of his own amusements.*

At the close of the fifteenth century, Italy was divided into a number of small but independent states, whose petty sove-

the latter written in an age of refinement, have been carried by their poets into such beautiful extravagances of fiction, as are perfectly incompatible with a state of society at any period. Let any one compare the feats of romantic valor recorded by Froissart, the turbulent predatory habits of the barons and *ecclesiastics* under the early Norman dynasty, as reported by Turner in his late 'history of *England*,' with these old romances, and he will find enough to justify our remark. St Palaye after a diligent study of the ancient epics, speaks of them as exhibiting a picture of society closely resembling that set forth in the Chronicles of the period. Turner, after as diligent an examination of early historical documents, pronounces that the facts contained in them perfectly accord with the general portraiture of manners depicted in the romances.—*Mem. de l'Acad. des Inscriptions, Tom. XX. Art. sur l'Ancient Chevalerie. Turner's 'History of England, from the Norman Conquest, &c.' Vol. I. ch.* 6.

* A letter written by Macchiavelli, long unknown, and printed for the first time at Milan, 1810, gives a curious picture of his daily occupations when living in retirement, on his little patrimony, at a distance from Florence. Among other particulars, he mentions that it was his custom after dinner to repair to the tavern, where he passed his afternoon at cards with the company whom he ordinarily found there, consisting of the host, a miller, a butcher, and a lime maker. Another part of the epistle exhibits a more pleasing view of the pursuits of the Ex-Secretary. 'In the evening, I return to my house, and retire to my study. I then take off the rustic garments which I had worn during the day, and having dressed myself in the apparel which I used to wear at court and in the city, I mingle in the society of the great men of antiquity. I draw from them the nourishment which alone is suited to me, and during the four hours passed in this intercourse, I forget all my misfortunes, and fear neither poverty nor death. In this manner I have composed a little work upon Government.' This *little work* was *The Prince*.

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reigns vied with each other, not merely in the poor parade of royal pageantry, but in the liberal endowment of scientific institutions, and the patronage of learned men. Almost every Italian scholar was attached to some one or other of these courtly circles, and a generous, enlightened emulation sprung up among the states of Italy, such as had never before existed in any other age or country. Among the republics of ancient Greece the rivalship was *political*. Their *literature*, from the time of Solon, was almost exclusively Athenian. An interesting picture of the cultivated manners and intellectual pleasures of these little courts may be gathered from the *Cortigiano* of Castiglione; which contains in the introduction a particular account of the pursuits and pastimes at the court of his sovereign, the Duke of Urbino.

None of these Italian states make so shining a figure in literary history, as the insignificant Duchy of Ferrara. The foul crimes, which defile the domestic annals of the family of Este, have been forgotten in the munificent patronage extended by them to letters. The librarians of the Biblioteca Estense, Muratori and Tiraboschi, have celebrated the virtues of their native princes with the encomiastic pen of loyalty; while Ariosto and Tasso, whose misfortunes furnish but an indifferent commentary upon these eulogiums, offering to them the grateful incense of poetic adulation, have extended their names still wider, by inscribing them upon their immortal epics. Their patronage had the good fortune, not always attending patronage, of developing genius. Those models of the pastoral drama, the *Aminta* of Tasso, and the *Pastor Fido* of Guarini, whose luxury of expression, notwithstanding the *dictum* of Dr Johnson,* it has been found as difficult to imitate in their own tongue, as it is impossible to translate into any other; the comedies and Horatian satires of Ariosto; the *Secchia Rapita* of Tassoni, the acknowledged model of the mock heroic poems of Pope and Boileau; and, finally, the three great epics of Italy, the *Orlando Innammorato*, the *Furioso*, and the *Gerusalemme Liberata*, were all produced in the brief compass of a century, within the limited dominions of the House of Este. Dante had reproached Ferrara in

* 'Dione is a counterpart to *Aminta* and *Pastor Fido*, and other trifles of the same kind, easily imitated and unworthy of imitation.' *Life of Gay.*

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the thirteenth century with never having been illustrated by the name of a poet.

Boiardo, Count of Scandiano, the author of the Orlando Innamorato, the first born of these epics, was a subject of Hercules First, Duke of Ferrara, and by him appointed governor of Reggio. His military conduct in that office, and his learned translations from the ancient classics, show him to have been equally accomplished as a soldier and as a scholar. In the intervals of war, to which his active life was devoted, he amused himself with the composition of his long poem. He had spun this out into the sixtyseventh canto, without showing any disposition to bring it to a conclusion, when his literary labors were suddenly interrupted, as he informs us in his parting stanza, by the invasion of the French into Italy, in 1494, and in the same year the author died. The Orlando Innamorato, as it advanced, had been read by its author to his friends; but no portion of it was printed till after his death, and its extraordinary merits were not then widely estimated, in consequence of its antiquated phraseology and Lombard provincialisms. A *Rifacimento*, some time after appeared, by one Domenichi, who spoiled many of the beauties, without improving the style of his original. Finally, Berni in little more than thirty years after the death of Boiardo, new moulded the whole poem,* with so much dexterity as to retain the substance of every verse in the original, and yet to clothe them in the seductive graces of his own classical idiom. Berni's version is the only one now read in Italy, and the original poem of Boiardo is so rare in that country, that it was found impossible to procure, for the library of Harvard University, any copy of the Innamorato more ancient, than the reformed one by Domenichi.

The history of letters affords no stronger example of the power of *style*, than the different fate of these two productions of Berni and Boiardo. We doubt whether the experiment would have been attended with the same result,

* Sismondi is mistaken in saying that Berni remodelled the *Innamorato* sixty years after the original. He survived Boiardo only fortytwo years; and he had half completed his *Rifacimento* at least ten years before his own death, as is evident from his beautiful invocation to Verona and the Po, (canto xxx.) on whose banks he was then writing it, and where he was living 1526, in the capacity of Secretary to the Bishop of Verona.

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among a people, by whom the nicer beauties of expression are less cultivated; as with the English, for example. If we may judge from the few specimens which we have seen extracted from the Italian original, Chaucer exhibits a more obsolete and exotic phraseology than Boiardo. Yet the partial attempt of Dryden to invest the father of English poetry, with a modernised costume has had little success; and the little epic of *Palamon and Arcite (The Knight's Tale)* is much more highly relished in the rude but muscular diction of Chaucer, than in the polished version of his imitator.

Whatever may be the estimation of the style, the glory of the original delineation of character and incident is to be given exclusively to Boiardo. He was the first of the epic poets, who founded a romance upon the love of Orlando; and a large portion of the poem is taken up with the adventures of this hero and his doughty Paladius, assembled in a remote province of China, for the defence of his mistress the beautiful Angelica.

> 'When Agrican with all his northern powers
> Besieged Albracca, as romances tell,
> The city of Gallaphrone, from thence to win
> The fairest of her sex Angelica
> His daughter, sought by many prowess knights
> Both Paynim, and the peers of Charlemagne.'
>
> *Paradise Regained.*

With the exception of the midnight combat between Agrican and Orlando, in which the conversion of the dying Tartar reminds one of the similar but more affecting death of Clorinda in the Jerusalem Delivered, there is very little moral interest attached to these combats of Boiardo, which are mere gladiatorial exhibitions of hard fighting, and sharp jealous wrangling. The fairy gardens of Falerina and Morgana, upon which the poet enters in the second book, are much better adapted to the display of his wild and exuberant imagination. No Italian writer, not even Ariosto, is comparable to Boiardo for exhibitions of fancy. Enchantment follows enchantment, and the reader, bewildered with the number and rapidity of the transitions, looks in vain for some clue, even the slender thread of allegory, which is held out by the poet, to guide him through the unmeaning marvellous of Arabian fiction. Ariosto has tempered his imagination with

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more discretion. Both of these great romantic poets have wrought upon the same characters, and afford in this respect a means of accurate comparison. Without going into details, we may observe in general, that Boiardo has more strength than grace; Ariosto, the reverse. Boiardo's portraits are painted, or may be rather said to be sculptured, with a clear coarse hand, out of some rude material. Ariosto's are sketched with the volatile graces, nice shades, and variable drapery of the most delicate Italian pencil. In female portraiture of course, Ariosto is far superior to his predecessor. The glaring coquetry of Boiardo's Angelica is refined by the hand of his rival into something like the coquetery of high life; and the ferocious tigress beauties of the original Marfisa are softened into those of a more polished and courtly amazon. The Innamorato contains no examples of the pure, deep feeling, which gives a soul to the females of the Furioso, and we look in vain for the frolic and airy scenes, which enchant us so frequently in the latter poem.* We may remark, in conclusion, that the rapid and unintermitting succession of incidents in the Innamorato, prevents the poet from indulging in those collateral beauties of sentiment and imagery, which are prodigally diffused over the romance of Ariosto, and which give to it an exquisite finish.

Berni's *Rifacimento* of the Orlando Innamorato, as we have already observed, first made it popular with the Italians, by a magical varnish of versification, which gave greater lustre to the beauties of his original, and glossed over its defects. It has, however, the higher merit of exhibiting a great variety of *original* reflections, sometimes in the form of digressions, but more frequently as introductions to the cantos. These are enlivened by the shrewd wit, and *elaborate artlessness* of expression, that form the peculiar attraction of Berni's poetry. In one of the prefatory stanzas to the fifty-first canto, the reader may recognise a curious coincidence with a well known passage in Shakspeare. The more so as Berni we believe was never turned into English, before the present partial attempt of Mr Rose.

* The chase of the Fairy Morgana, and the malicious dance of the loves round Rinaldo, (L. II. c. 8. 15.) may however be considered good exceptions to this remark.

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'Who steals a bugle horn, a ring, a steed,
Or such like worthless thing, has some discretion.
'Tis petty larceny.—Not such his deed
Who robs us of our fame, our best possession.
And he who takes our labor's worthiest meed,
May well be deem'd a felon by profession;
Who so much more our hate and scourge deserves,
As from the rule of right he wider swerves.'

In another of these episodes, the poet has introduced a portrait of himself. The whole passage is too long for insertion here. But as Mr Rose has also translated it, we will borrow a few stanzas from his skilful version.

'His mood was choleric, and his tongue was vicious,
But he was praised for singleness of heart;
Not taxed as avaricious or ambitious,
Affectionate, and frank, and void of art;
A lover of his friends, and unsuspicious;
But where he hated knew no middle part;
And men his malice by his love might rate;
But then he was more prone to love than hate.

To paint his person, this was thin and dry;
Well sorting it, his legs were spare and lean;
Broad was his visage, and his nose was high,
While narrow was the space that was between
His eyebrows sharp; and blue his hollow eye,
Which for his bushy beard had not been seen,
But that the master kept this thicket clear'd,
At mortal war with mustache and with beard.

No one did ever servitude detest
Like him; though servitude was still his dole;
Since fortune or the devil did their best
To keep him evermore beneath control.
While, whatsoever was his patron's hest,
To execute it went against his soul;
His service would he freely yield, unask'd,
But lost all heart and hope, if he were task'd.

Nor music, hunting match, nor mirthful measure,
Nor play, nor other pastime moved him aught;
And if 'twas true, that horses gave him pleasure,
The simple sight of them was all he sought,
Too poor to purchase; and his only treasure
His naked bed; his pastime to do nought

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> But tumble there, and stretch his weary length,
> And so recruit his spirits and his strength.
>
> *Rose's Innamorato*, p. 48.

The passage goes on to represent the dreamy and luxurious pleasures of this indolent pastime, with such an epicurean minuteness of detail, as puts the sincerity of the poet beyond a doubt. His smaller pieces, *Capitoli*, as they are termed, contain many incidental allusions, which betray the same lazy propensity.

The early part of Berni's life was passed in Rome, where he obtained a situation under the ecclesiastical government. He was afterwards established in a canonry at Florence, where he led an easy, effeminate life, much caressed for his social talents by the Duke Alessandro de' Medici. His end was more tragical than was to have been anticipated from so quiet and unambitious a temper. He is said to have been secretly assassinated 1536, by the order of Alexander, for refusing to administer poison to the Duke's enemy, the Cardinal Hyppolito de' Medici. The story is told in many contradictory ways by different Italian writers, some of whom disbelieve it altogether. The imputation, however, is an evidence of the profligate character of that court; and if true is only one out of many examples of perfidious assassination, which in that age, dishonored some of the most polished societies in Italy.

Berni has had the distinction of conferring his name on a peculiar species of Italian composition.* The epithet '*Bernesco*,' is not derived, however, as has been incorrectly stated by some foreign scholars,† from his reformed version of the 'Orlando,' but from his smaller pieces, his Capitoli, more especially. It is difficult to convey a correct and adequate notion of this kind of satirical trifling, since its chief excellence results from idiomatic felicities of expression, that refuse to be transplanted into a foreign tongue, and there is no imitation of it that we recollect in our own language. It is a misapplication of the term Bernesque to apply it, as

* He cannot be properly considered its *inventor* however. He lived in time to give the last polish to a species of familiar poetry, which had been long undergoing the process of refinement from the hands of his countrymen.

† Vide *Annotazioni alla Vita di Berni*, dal conte Mazzuchelli. Clas. Ital. p. xxxiv.

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has been sometimes done, to the ironical style supposed to have been introduced by Lord Byron in his Beppo and Don Juan. The clear, unequivocal vein of irony, which plays through the sportive sallies of the Italian, has no resemblance to the subdued but caustic sneer of the Englishmen. Nor does it, in our opinion, resemble in the least Peter Pindar's burlesque satire, to which an excellent critic in Italian poetry has compared it.* Pindar is much too unrefined in versification and in diction, to justify the parallel. Italian poetry always preserves the purity of its expression, however coarse or indecent may be the topic on which it is employed.—The subjects of many of these poems are of the most whimsical and trivial nature. We find some in *Lode della Peste, del Debito*, &c. Several in commendation of the delicacies of the table, of 'jellies,' 'eels,' or any other dainty, which pleased his Epicurean palate. These *Capitoli*, like most of the compositions of this polished versifier, furnish a perfect example of the triumph of style. The sentiments, sometimes indelicate, and often puerile, may be considered, like the worthless insects occasionally found in amber, indebted for their preservation to the beautiful substance in which they are imbedded.

It is a curious fact, that notwithstanding the apparent facility and fluent graces of Berni's style, it was wrought with infinite care. Some of his verses have been corrected twenty and thirty times. Many of his countrymen have imitated it, mistaking its familiarity of manner for facility of execution.

This fastidious revision has been common with the most eminent Italian poets. Petrarca devoted months to the perfecting of one of his exquisite sonnets.† Ariosto, as his son Virginius

* Roscoe's '*Life of Loren. de' Medici.*' Vol. I. p. 392. *Note.*

† 'The following is a literal translation of a succession of memorandums in Latin, at the head of one of his sonnets. 'I began this by the impulse of the Lord, (*Domino jubente,*) tenth September, at the dawn of day, after my morning prayers.'

'I must make these two verses over again, singing them, and I must transpose them. Three o'clock A. M. 19th October.'

'I like this. *(hoc placet)* 30th October."

'No, this does not please me. 20th December in the evening.'

'February 18th, towards noon. This is now well; however look at it again.'

It was generally on Friday, that he occupied himself with the painful labor of correction, and this was also set apart by him as a day of fast and penitence. '*Essays,*' *cit. sup.*

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records of him, 'was never satisfied with his verses, but was continually correcting and recorrecting them;' almost every stanza in the last edition of his poem, published in his lifetime, is altered from the original, and one verse is pointed out, (canto XVIII. st.142.) whose variations filled many pages. Tasso's manuscripts, preserved in the library at Modena, have been so often retouched by him, that they are hardly intelligible. And Alfieri was in the habit not only of correcting verses, but of remoulding whole tragedies, several of which he tells us in his *Memoirs*, were thus transcribed by him no less than three times. It is remarkable, that in a country where the imagination has been most active, the labor of the file should have been most diligently exerted on poetical compositions. Such examples of the pains taken by men of real genius might furnish a wholesome hint to some of the rapid, dashing writers of our own day. 'Avec quelque talent qu'on puisse être nè,' says Rousseau, in his confessions, 'l'art d'ecrire ne se prend pas tout d'un coup.'

We have violated the chronological series of the Italian epopee, in our notice of Berni, in order to connect his poem with the model on which it was cast. We will quit him with the remark, that for his fame, he seems to have been as much indebted to good fortune as to desert. His countrymen have affixed his name to an illustrious poem, of which he was not the author, and to a popular species of composition of which he was not the inventor.

In little more than twenty years after the death of Boiardo, Ariosto gave to the world his first edition of the *Orlando Furioso*. The celebrity of the Innamorato made Ariosto prefer building upon this sure foundation, to casting a new one of his own; and as his predecessor had fortunately left all the dramatis personæ of his unfinished epic alive upon the stage, he had only to continue their histories to the end of the drama. 'As the former of these two poems has no termination, and the latter no regular beginning, they may both be considered as forming one complete epic.'* The latter half was, however, destined not only to supply the deficiences, but to eclipse the glories of the former.

Louis Ariosto was born of a respectable family at Reggio, 1474. After serving a reluctant apprenticeship of five years,

* *Tasso. Discorsi Poetici.* p. 29.

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in the profession of the law, his father allowed him to pursue other studies better adapted to his taste and poetical genius. The elegance of his lyrical compositions in Latin and Italian, recommended him to the patronage of the Cardinal Hyppolito d'Este, and of his brother Alphonso, who in 1505, succeeded to the ducal throne of Ferrara. Ariosto's abilities were found, however, not to be confined to poetry, and among other offices of trust, he was employed by the Duke in two important diplomatic negociations with the court of Rome. But the muses still obtained his principal homage, and all his secret leisure was applied to the perfecting of the great poem, which was to commemorate at once, his own gratitude, and the glories of the House of Este. After fourteen years assiduous labor, he presented to the Cardinal Hyppolito, the first copy of his Orlando Furioso. The well known reply of the prelate, '*Messer Lodovico, dove mai avete trovate tante fanfaluche?*' 'Master Louis, where have you picked up so many trifles?' will be remembered in Italy, as long as the poem itself.*

Ariosto, speaking of his early study of jurisprudence in one of his Satires,† says, that he passed five years *in quelle ciancie;* a word which signifies much the same with the epithet *fanfaluche*, or *coglionerie*, whichever it might have been, imputed to the Cardinal. Ariosto was a poet; the Cardinal was a mathematician; and each had the very common failing of undervaluing a profession different from his own. The courtly librarian of the *Biblioteca Estense* endeavors to explain away this and the subsequent conduct of Ariosto's patron.‡ But the poet's satires, in which he alludes to the behaviour of the Cardinal with the fine raillery, and to his own situation with the philosophic independence of Horace, furnish abundant evidence of the cold, ungenerous deportment of Hyppolito.§

* An interrogation, which might remind an Englishman of one put by the *great* Duke of Cumberland to Gibbon. 'What, Mr Gibbon, scribble, scribble, scribble still?'

† A. M. Pietro Bembo Cardinale.

‡ *Storia dela Lett. Ital. Tom. VII. P. I. p.* 42, 43.

§ In a satire addressed to Alessandro Ariosto, he speaks openly of the unprofitableness of his poetic labors.

Thanks to the muses, who reward
So well the service of their bard,

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Notwithstanding the alienation of the Cardinal, the poet still continued in favor with Alphonso. The patronage bestowed upon him, however, seems to have been of a very selfish and sordid complexion. He was employed by the Duke in offices most vexatious to one of his studious disposition, and he passed three years in reducing to tranquillity a barbarous, rebellious province of the Duchy. His adventure there with a troop of banditti, who abandoned a meditated attack upon him, when they learned that he was the author of the Orlando Furioso, is a curious instance of homage to literary talent, which may serve as a *pendant* to the similar anecdote recorded of Tasso.*

The latter portion of his life was passed on his own estate in comparative retirement. He refused all public employment, and with the exception of his Satires, and a few Comedies, which he prepared for the theatre committed to his superintendence by Alphonso, he produced no new work. His hours were diligently occupied with the emendation and extension of his great poem; and in 1532, soon after the republication of it in fortysix cantos, as it now stands, he died of a disease, induced by severe and sedentary application.

He almost may be said to lack
A decent coat to clothe his back.

And soon after in the same epistle, he adverts with undisguised indignation, to the oppressive patronage of Hyppolito.

If the poor stipend I receive,
Has led his Highness to believe
He has a right to task my toil,
Like any serf's upon his soil,
T' enthral me with a servile chain
That grinds my soul; his hopes are vain.
Sooner than be such household slave,
The sternest poverty I 'll brave,
And from his pride and presents free,
Resume my long lost liberty.

* Ginguenè, whose facts are never to be suspected, whatever credit may be attached to his opinions, has related both these adventures without any qualification. (*Histoire Literaire d'Italie. Tom. IV.* p. 359. *et V.* 291.) This learned Frenchman professes to have compiled his history under the desire of vindicating Italian literature from the disparaging opinions entertained of it among his countrymen. This has led him to swell the trumpet of panegyric somewhat too stoutly, indeed much above the modest tone of the Italian *savant*, who upon his premature death, was appointed to continue the work. Ginguenè died before he had completed the materials for his ninth volume, and the hiatus supplied by Professor Salfi, carry down the literary narrative only to the conclusion of the sixteenth century.

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Ariosto is represented to have possessed a cheerful disposition, temperate habits, and their usual concomitant, a good constitution. Barotti has quoted in his memoirs of the poet some particulars respecting him, found among the papers of Virginius, his natural son. He is there said not to have been a great reader; Horace and Catullus were the authors in whom he took most delight. His intense meditation upon the subject of his compositions frequently betrayed him into fits of abstraction, one of which is recorded. Intending on a fine morning to take his usual walk, he set out from Carpi, where he resided, and reached Ferrara late in the afternoon, in his slippers and robe de chambre, uninterrupted by any one. His patrimony though small was equal to his necessities. An inscription which he placed over his door is indicative of that moderation and love of independence which distinguished his character.

'Parva, sed apta mihi, sed nulli obnoxia, sed non
Sordida, parta meo sed tamen ære domus.'

It does not appear probable that he was ever married. He frequently alludes in his poems to some object of his affections, but without naming her. His bronze inkstand, still preserved in the library at Ferrara, is surmounted by a *rileivo* of a Cupid with his finger upon his lip, emblematic of a discreet silence not very common in these matters with his countrymen. He is said to have intended his mistress by the beautiful portrait of Ginevra (c. iv. v.) as Tasso afterwards shadowed out Leonora, in the affecting episode of Sophronia. This was giving them, according to Ariosto's own allusion, a glorious niche in the temple of immortality.*

There still existed a general affectation among the Italian scholars, of writing in the Latin language, when Ariosto determined to compose an epic poem. The most accomplished proficients in that ancient tongue flourished about this period, and Politian, Pontano, Vida, Sannazarius, Sadolet, Bembo, had revived, both in prose and poetry, the purity, precision, and classic elegance of the Augustan age. Politian and Lorenzo de' Medici were the only writers of the preceding century, who had displayed the fecundity and poetical graces of their vernacular tongue; and their productions had

*O. F. Can. xxxv. st. 15, 16.

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been too few, and of too trifling a nature to establish a permanent precedent. Bembo, who wrote his elaborate history first in Latin, and who carried the complicated inversions, in fact, the idiom of that language, into his Italian compositions, would have persuaded Ariosto to write his poem in the same tongue. But he wisely replied, 'that he would rather be first among Tuscan writers, than second among the Latin,' and following the impulse of his own more discriminating taste, he gave in the Orlando Furioso such an exhibition of the fine tones and flexible movements of his native language, as settled the question of its precedence forever with his countrymen.

Ariosto at first intended to adopt the *terza rima* of Dante; indeed the introductory verses of his poem in this measure are still preserved. He soon abandoned it, however, for the *ottava rima*, which is much better adapted to the light, rambling, picturesque narrative of the romantic epic.* Every stanza furnishes a little picture in itself, and the perpetual recurrence of the same rhyme produces not only a most agreeable melody to the ear, but is very favorable to a full and more powerful development of the poet's sentiments. Instances of the truth of this remark must be familiar to every reader of Ariosto. It has been applied by Warton with equal justice to Spenser, whom the similar repetition of identical cadences often leads to a copious and beautiful expansion of imagery.† Spenser's stanza differs materially

* The Italians, since the failure of Trissino, have very generally adopted this measure for their epic poetry, while the *terza rima* is used for didactic and satirical composition. The graver subjects, which have engaged the attention of some of their poets during the last century, have made blank verse, (*verso sciolto,*) more fashionable among them. Cesarotti's Ossian, one of the earliest, may be cited as one of the most successful examples of it. No nation is so skilful in a nice adaptation of style to the subject; and *imitative harmony* has been carried by them to a perfection, which it can never hope to attain in any other living language. For what other language is made so directly out of the elements of music?

† The following stanza from the 'Faerie Queene,' describing the habitation of Morpheus 'drowned deep in drowsie fit,' may serve as an exemplification of our meaning.

'And more to lull him in his slumber soft,
A trickling streame from high rock tumbling downe,
And ever drizling raine upon the loft,
Mixt with a murmuring winde much like the sowne
Of swarming bees did cast him in a swowne;

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from the Italian *ottava rima*, in having one more rhyme, and in the elongated Alexandrine with which it is concluded. This gave to his verses 'the long majestic march' well suited to the sober sublimity of his genius. But the additional rhyme much increased its metrical difficulties, already, from the comparative infrequency of assonances in our language, far superior to those of the Italian. This has few compound sounds, but rolling wholly upon the five open vowels, *a*, *e*, *i*, *o*, *u*, affords a prodigious number of corresponding terminations. Hence their facility of *improvisation*. Voltaire observes, that in the Jerusalem Delivered, not more than seven words terminate in *u*, and expresses his astonishment that we do not find a greater monotony in the constant recurrence of only four rhymes.* The reason may be that in Italian poetry, the rhyme falls both upon the penultima and the final syllable of each verse; and as these two syllables in the same word turn upon different vowels, a greater variety is given to the melody. This double rhyming termination, moreover, gives an inexpressible lightness and delicacy to Italian poetry, very different from the broad comic, which similar compound rhymes, no doubt from the infrequency of their application to serious subjects, communicate to the English.

Ariosto is commonly most admired for the inexhaustible fertility of his fancy. Yet a large proportion of his fictions are borrowed, copied, or continued from those of preceding poets. The elegant allegories of ancient superstition, as they were collected or invented by Homer and Ovid, the wild adventures of the Norman romances, the licentious merriment of the gossiping fabliaux, and the enchantments of Eastern fable, have all been employed in the fabric of Ariosto's epic. But although this diminishes his claims to an inventive fancy, yet on the whole it exalts his character as a poet. For these same fictions under the hands of preceding romancers, even of Boiardo, were cold and uninteresting; or at best raised in the mind of the reader only a stupid admiration, like that occasioned by the grotesque and unmeaning wonders of a

> No other noyes nor people's troublous cryes,
> As still are wont to annoy the walled towne
> Might there be heard; but careless quiet lyes,
> Wrapt in eternall silence farre from enemyes.'

* *Lettre à Deodati di Tovazzi.*

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fairy tale. But Ariosto inspired them with a deep and living interest; he adorned them with the graces of sentiment and poetic imagery, and enlivened them by a vein of wit and shrewd reflection.

Ariosto's style is most highly esteemed by his countrymen. The clearness with which it expresses the most subtle and delicate beauties of sentiment may be compared to Alcina's

'———Vel sottile e rado,
Che non copria dinanzi nè di dietro,
Piu che le rose o igigli un chiaro vetro.'—c. VII. s. 28.*

We recollect no English poet, whose manner in any degree resembles him. La Fontaine, the most exquisite versifier of his nation, when in his least familiar mood, comes the nearest to him among the French.—Spence remarks, that Spenser must have imagined Ariosto intended to write a serious romantic poem. The same opinion has been maintained by some of the Italian critics. Such, however, is not the impression we receive from it. Not to mention the broad farce, with which the narrative is occasionally chequered, as the adventures of Giocondo, the Enchanted Cup, &c. a sly suppressed smile seems to lurk at the bottom even of his most serious reflections; sometimes indeed it plays openly upon the surface of his narrative, but more frequently, after a beautiful and sober description, it breaks out as it were from behind a cloud, and lights up the whole with a gay and comic coloring. It would seem as if the natural acuteness of his poetic taste led him to discern in the *magnanime mensogne* of romantic fable, abundant sources of the grand and beautiful, while the anti-chivalric character of his age, and still more the lively humor of his nation, led him to laugh at its extravagancies. Hence the delicate intermixture of serious and comic, which gives a most agreeable variety, though somewhat of a curious perplexity to his style.

The Orlando Furioso went through six editions in the author's lifetime, two of which he supervised; and it passed through sixty in the course of the same century. Its poetic pretensions were of too exalted a character to allow it to be

*———A thin transparent veil,
That all the beauties of her form discloses,
As the clear crystal doth th' imprison'd roses.

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regarded as a mere fairy tale; but it sorely puzzled the pedantic critics, both of that and of the succeeding age, to find out a justification for admitting it with all its fantastic eccentricities into the ranks of epic poetry. Multitudes have attacked and defended it upon this ground, and justice was not rendered to it, until the more enlightened criticism of a later day set all things right, by pointing out the distinction between the romantic and the classical.*

The cold and precise Boileau, who, like most of his countrymen, seems to have thought that beauty could wear only one form, and to have mistaken the beginnings of ancient art for its principles, quoted Horace to prove, that no poet had the right to produce such grotesque combinations of the tragical and comic, as are found in Ariosto.† In the last century, Voltaire, a critic of a much wider range of observation, objects to a narrow, exclusive definition of an epic poem, on the just ground, 'that works of imagination depend so much on the different languages and tastes of the different nations among whom they are produced, that precise definitions must have a tendency to exclude all beauties that are unknown or unfamiliar to us.' *(Essay sur la Poesie Epique.)* In less than forty pages further, we find, however, that 'the Orlando Furioso, although popular with the mass of readers, is very inferior to the *genuine epic poem.*' Voltaire's general reflections were those of a philosopher; their particular application was that of a Frenchman.

At a later period of his life he made a recantation of this precipitate opinion. And he even went so far in a parallel between the Furioso and the Odyssey, which he considered the *model* of the Italian poem, as to give a decided preference to the former. Ariosto's imitations of the Odyssey, however, are not sufficient to authorise its being considered the model of his epic. Where these imitations do exist, they are not always the happiest efforts of his muse. The tedious and

* Hurd and T. Warton seem to have been among the earliest English writers, who insisted upon the distinction between the gothic and the classical. In their application of it to Spenser they display a philosophical criticism, guided not so much by ancient rules, as by the peculiar genius of modern institutions. How superior this to the pedantic dogmas of the French school, or of such a caviller as Rymer, whom Dryden used to quote, and Pope extolled as 'the best of English critics.'

† Dissertation Critique sur l'Aventure de Joconde. *Oeuvres de Boileau.* Tom. II. p. 151.

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disgusting adventure of the Ogre, borrowed from that of the Cyclops Polypheme, is one of the greatest blemishes in the Furioso. Such 'Jack the giant killing' horrors do not blend happily with the airy and elegant fictions of the East. The *familiarity* of Ariosto's manner has an apparent resemblance to the *simplicity* of Homer's, which vanishes upon nearer inspection. The unaffected ease common to both, resembles in the Italian the fashionable breeding, that grows out of a perfect intimacy with the forms of good society. In the Greek it is rather an artlessness, which results from never having been embarrassed by the conventional forms of society at all. Ariosto is perpetually addressing his reader in the most familiar tone of conversation. Homer pursues his course with the undeviating dignity of an epic poet. He tells all his stories, even the incredible, with an air of confiding truth. The Italian poet frequently qualifies his with some sly reference or apology, as 'I will not vouch for it, I repeat only what Turpin has told before me.'

Mettendo lo Turpin, lo metto anch' io.*

Ariosto's narratives are complicated and interrupted in a most provoking manner. This has given offence to some of his warmest admirers, and to the severe taste of Alfieri in particular. Yet this fault, if indeed it be one, seems imputable to the art, not to the artist. He but followed preceding romancers, and conformed to the laws of his peculiar species of poetry. This involution of the narrative may be even thought to afford a relief, and an agreeable contrast by its intermixture of grave and comic incidents. At least, this is the apology set up for the same peculiarities of our own romantic drama. But whatever exceptions may be taken by the acuteness or ignorance of critics at the conduct of the Orlando Furioso, the sagacity of its general plan is best vindicated by its wide and permanent popularity in its own country. None of their poets is so universally read by the Italians, and the epithet *divine*, which the homage of an enlightened few had before appropriated to Dante, has been conferred by the voice

* Voltaire, with all his aversion to local prejudices, was too national to relish the naked simplicity of Homer. One of his witty reflections may show how he esteemed him. Speaking of Virgil's obligations to the Greek poet, 'some say,' he observes, 'that Homer made Virgil, if so this is without doubt the best work he ever made!' *si cela est, c'est sans doute son plus bel ouvrage.*

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of the whole nation upon the 'Homer of Ferrara.'* While those, who copied the classical models of antiquity, are forgotten, Ariosto, according to the beautiful eulogium of Tasso, 'Partendo dalle vestigie degli Antichi Scrittori e dalle regole d' Aristotile, è letto e riletto da tutte l'età, da tutti i sessi, noto a tutte le lingue, ringiovanisce sempre nella sua fama, e vola glorioso per le lingue de' mortali.'†

The name of Ariosto most naturally suggests this of Tasso, his illustrious but unfortunate rival in the same brilliant career of epic poetry; for these two seem to hold the same relative rank, and to shed a lustre over the Italian poetry of the sixteenth century, like that reflected by Dante and Petrarch upon the fourteenth. The interest always attached to the misfortunes of genius has been heightened in the case of Tasso, by the veil of mystery thrown over them; and while his sorrows have been consecrated by the 'melodious tear' of the poet, the causes of them have furnished a most fruitful subject of speculation to the historian.

He had been early devoted by his father to the study of jurisprudence; but, as with Ariosto, a love for the Muses seduced him from his severer duties. His father remonstrated; but Tasso at the age of seventeen, produced his *Rinaldo*, an epic in twelve cantos, and the admiration, which it excited throughout Italy, silenced all future opposition on the part of his parent. In 1565, Tasso, then twentyone years of age, was received into the family of the Cardinal Luigi d'Este, to whom he had dedicated his precocious epic. The brilliant assemblage of rank and beauty at the little court of Ferrara excited the visions of the youthful poet, while its richly endowed libraries and learned societies furnished a more solid nourishment to his understanding. Under these influences, he was perpetually giving some new display of his poetic talent. His vein flowed freely in lyrical composition, and he is still regarded as one of the most perfect models in that saturated species of national poetry. In 1573, he produced his *Aminta*, which, in spite of its conceits, and pastoral extravagancies, exhibited such a union of literary finish and voluptuous sentiment, as was to be found in no

* The name originally given to him by his rival Tasso.

† 'Discorsi Poetici, p. 33.

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other Italian poem. It was translated into all the cultivated tongues in Europe, and was followed, during the lifetime of its author, by more than twenty imitations in Italy. No valuable work ever gave birth to a more worthless progeny. The *Pastor Fido* of Guarini is by far the best of these imitations; but its elaborate luxury of wit is certainly not comparable to the simple, unsolicited beauties of the original. Tasso was, however, chiefly occupied with the composition of his great epic. He had written six cantos in a few months, but he was nearly ten years in completing it. He wrote with the rapidity of genius, but corrected with scrupulous deliberation. His *Letters* show the unwearied pains which he took to obtain the counsel of his friends; and his critical *Discourses* prove that no one could stand less in need of such counsel than himself. In 1575 he completed his *Jerusalem Delivered*. Thus, before he had reached his thirty-second year, Tasso as a lyric, epic, and dramatic writer, may be fairly said to have earned a threefold immortality in the highest walks of his art. His subsequent fate shows that literary glory rests upon no surer basis, than the accidental successes of worldly ambition.

The long and rigorous imprisonment of Tasso, by the sovereign over whose reign his writings had thrown such a lustre, has been as fruitful a source of speculation as the inexplicable exile of Ovid; and in like manner was, for a long time, imputed to an indiscreet and too aspiring passion in the poet. At length Tiraboschi announced, in an early edition of his history, that certain letters and original manuscripts of Tasso, lately discovered in the library of Modena, had been put into the hands of the Abbè Serassi for the further investigation of the mysterious transaction. The Abbè's work appeared in 1785, and the facts diclosed by it clearly prove, that the poet's passion for Leonora was not as formerly imagined, the origin of his misfortunes.* These may be im-

* We are only acquainted with Serassi's 'Life of Tasso' through the epitomes of Fabroni and Ginguenè. The latter writer seems to us to lay greater stress upon the poet's passion for Leonora, than is warranted by his facts. Tasso dedicated, it is true, many an elegant sonnet to her charms, and distorted her name into as many ingenious puns, as did Petrarch that of his mistress, but when we consider that this sort of poetical tribute is very common with the Italians, that the lady was at least ten years older than the poet, and that in the progress of this passion, he had four or five other well attested subordinate flames, we shall have little reason to believe it produced a deep impression on his character.

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puted to a variety of circumstances, none of which, however, would have deeply affected a person of a less irritable or better disciplined fancy. The calumnies and petty insults, which he experienced from his rivals at the court of Ferrara, a clandestine attempt to publish his poem, but more than all, certain conscientious scruples, which he entertained as to the orthodoxy of his own creed, gradually wrought upon his feverish imagination to such a degree, as in a manner to unsettle his reason. He fancied that his enemies were laying snares for his life, and that they had concerted a plan for accusing him of heresy before the Inquisition.* He privately absconded from Ferrara, returned to it again, but soon after, disquieted by the same unhappy suspicions, left it precipitately a second time, without his manuscripts, without money, or any means of subsistence, and after wandering from court to court, and experiencing in the sorrowful language of Dante,

> ——'Come sa di sale
> Lo pane altrui, e com' è duro calle,
> Lo scendere e 'l salir per l'altrui scale.'†

he threw himself once more upon the clemency of Alphonso. But the Duke, already alienated from him by his past extravagancies, was incensed to such a degree by certain intemperate expressions of anger, in which the poet indulged on his arrival at the court, that he caused him to be confined in a madhouse. *(Hospital of St Anne.)*

Here in the darkness and solitude of its meanest cell, disturbed only by the cries of the wretched inmates of the mansion, he languished two years under the severest discipline of a refractory lunatic. Montaigne, in his visit to Italy, saw him in this humiliating situation, and his reflections upon it are even colder than those which usually fall from the phlegmatic philosopher.‡ The genius of Tasso, however,

*His 'Letters' betray the same timid jealousy. He is perpetually complaining that his correspondence is watched and intercepted.

†'How salt the savour is of other's bread,
How hard the passage to descend and climb
By other's stairs.'—*Carey.*

‡'I felt even more spite than compassion to see him in so miserable a state, surviving, as it were himself, unmindful either of himself or his works, which without his concurrence, and before his eyes, were published to the world incorrect and deformed.' *Essais de Montaigne. Tom. V. p.* 114. Montaigne

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broke through the gloom of his dungeon, and several of the lyrical compositions of his imprisoned muse were as brilliant and beautiful as in the day of her prosperity. The distempered state of his imagination seems never to have clouded the vividness of his perceptions on the subjects of his composition, and during the remaining five years of his confinement at St Anne, he wrote in the form of dialogues several highly esteemed disquisitions on philosophical and moral theorems. During this latter period Tasso had enjoyed a more commodious apartment, but the Duke, probably dreading some literary reprisal from his injured prisoner, resisted all entreaties for his release. This was at length effected through the intercession of the Prince of Mantua in 1586.

Tasso quitted Ferrara without an interview with his oppressor, and spent the residue of his days in the south of Italy. His countrymen, affected by his unmerited persecutions, received him wherever he passed with enthusiastic triumph. The nobility and the citizens of Florence waited upon him in a body, as if to make amends for the unjust strictures of their academy upon his poem; and a day was appointed by the court of Rome for his solemn coronation in the capitol, with the poetic wreath, which had formerly encircled the brow of Petrarch. He died a few days before the intended ceremony. His body, attired in a Roman toga, was accompanied to the grave by nobles and ecclesiastics of the highest dignity, and his temples were decorated with the laurel, of which his perverse fortune had defrauded him when living.

The unhappy fate of Tasso has affixed a deep stain on the character of Alphonso Second. The eccentricities of his deluded fancy could not have justified seven years of solitary confinement, either as a medicine or as a punishment; least of all from the man, whose name he had so loudly celebrated in one of the most glorious productions of modern genius. What a caustic commentary upon his unrelenting rigor must Alphonso have found in one of the opening stanzas of the Jerusalem.

doubtless exaggerated the mental degradation of Tasso, since it favored a position, which, in the vain love of paradox, that has often distinguished his countrymen, he was then endeavoring to establish, viz. the superiority of stupidity and ignorance over genius.

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'Tu, magnanimo Alfonso, il qual ritogli
Al furor di fortuna, e guidi in porto
Me peregrino errante, e fra gli scogli
E fra l'onde agitato, e quasi assorto;
Queste mie carte in lieta fronte accogli,' &c.

The illiberal conduct of the princes of Este, both towards Ariosto and Tasso, essentially diminishes their pretensions to the munificent patronage so exclusively imputed to them by their own historians, and by the eloquent pen of Gibbon.* A more accurate picture, perhaps, of the second Alphonso may be found in the concluding canto of Childe Harold; where the poet, in the language of indignant sensibility, not always so judiciously directed, has rendered more than poetical justice to the 'antique brood of Este.'

The Jerusalem was surreptitiously published, for the first time, during Tasso's imprisonment; and notwithstanding the extreme inaccuracy of its early editions, it went through no less than six in as many months. Others grew rich on the productions of an author, who was himself languishing in the most abject poverty. One example out of many of the insecurity of literary property, in a country, where the number of distinct independent governments almost defeats the protection of a copyright.†

Notwithstanding the general admiration which the Jerusalem excited throughout Italy, it was assailed on its first appearance with the coarsest criticism it ever experienced. A comparison was naturally suggested between it and the Orlando Furioso, and the Italians became divided into the

* Muratori's *Antichità Estensi* are expressly intended to record the virtues of the family of Este. Tiraboschi's *Storia della Letteratura Italiana* is a splendid *panegyric* upon the intellectual achievements of the whole nation. More than a due share of this praise, however, is claimed for his native princes of Ferrara. It is amusing to see by what evasions the historian attempts to justify their conduct both towards Tasso and Ariosto. Gibbon, who had less apology for partiality, in his laborious researches into the 'Antiquities of the house of Brunswick,' has not tempered his encomiums of the Alphonsos with a single animadversion upon their illiberal conduct towards their two illustrious subjects.

†'Foreigners,' says Denina, 'who ask if there are great writers in Italy now, as in times past, would be surprised at the number, were they to learn how much even the best of them are brought in debt by the publication of their own works.'—*Vicende della Letteratura. Tom. II. p.* 326.

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factions of Tassisti and Ariostisti. The Della Cruscan Academy, just then instituted, in retaliation of some extravagant encomiums bestowed on the Jerusalem, entered into an accurate but exceedingly intemperate analysis of it, in which they degraded it, not only below the rival epic, but, denying it the name of a *poem*, spoke of it as 'a cold and barren compilation.' It is a curious fact, that both the Della Cruscan and French academies commenced their career of criticism, with an unlucky attack upon two of the most extraordinary poems in their respective languages.*

Although Tasso was only one and twenty years of age, when he set about writing his Jerusalem, yet it is sufficiently apparent from the sagacious criticism exhibited in his letters, that he brought to it a mind ripened by extensive studies, and careful meditation. He had, moreover, the advantage of an experience derived both from his own previous labors, and those of several distinguished predecessors, in the same kind of composition. The learned Trissino had fashioned, some years before, a regular heroic poem with pedantic precision, upon the models of antiquity. From this circumstance, it was so formal and tedious that nobody could read it. Bernardo Tasso, the father of Torquato, who might apply to himself with *equal* justice, the reverse of the younger Racine's lament,

'Et moi *pere* inconnu d'un si glorieux fils,'

had commenced his celebrated Amadis, with the same deference to the rules of Aristotle. Finding that the audiences of his friends, to whom he was accustomed to read the epic as it advanced, gradually thinned off, he had the discretion to take the hint, and new cast it in a more popular and romantic form. Notwithstanding these inauspicious examples, Tasso was determined to give to his national literature what it so much wanted, a great heroic poem; his fine eye perceived at once, however, all the advantages to be derived from the peculiar institutions of the moderns; and while he conformed in the general plan of his epic to the precepts of antiquity, he animated it with the popular and more exalted notions of love,

*It is hardly necessary to refer to Corneille's '*Cid*,' so clumsily anatomised by the Academie Française, at the jealous instigation of Cardinal Richelieu.

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of chivalry, and religion. His Jerusalem exhibits a most perfect combination of the romantic and the classical.

The subject which he selected was most happily adapted to his complicated design. However gloomy a picture the Crusades may exhibit to the rational historian, they are one of the most brilliant and imposing ever offered to the eye of the poet. It is surprising that a subject, so fruitful in marvellous and warlike adventure, and which displays the full triumph of christian chivalry, should have been so long neglected by the writers of epical romance. The plan of the Jerusalem is not without defects, which have been pointed out by the Italians, and bitterly ridiculed by Voltaire, whose volatile sarcasms have led him into one or two blunders, that have excited much wrath among some of Tasso's countrymen.* The conceits, which occasionally glitter on the surface of Tasso's clear and polished style, have afforded another and a fair ground for censure. Boileau's metaphorical distich, however, has given to them an undeserved importance. The epithet *tinsel*, (clinquant,) used by him without any limitation, was quoted by his countrymen as fixing the value at once of all Tasso's compositions, and afterwards by an easy transition, of that of the whole body of Italian literature. Boileau subsequently diluted this censure of the Italian poet with some partial commendations;† but its ill effects were visible in the unfavorable prejudices, which it left on the minds of his own countrymen, and on those of the English for nearly a century.

*Among other heinous slanders, he had termed the musical bird 'di color vari' 'e purpureo rostro' in Armida's gardens, a '*parrot*;' and the 'fatal Donzella (canto xv.) 'whose countenance was beautiful like that of the angels' an '*old woman*,' which his Italian censor assures his countrymen 'is much worse than a *vecchia donna*.' For the burst of indignation, which these and similar sins brought upon Voltaire's head, vide '*Annotazioni ai Canti.* xv. xvi. *Clas. Ital.*

†Both Ginguenè and some Italian critics affect to consider these commendations as an *amende honorable* on the part of Boileau. They, however, amount to very little, and like the Frenchman's compliment to Yorick, have full as much of bitter as of sweet in them. The remarks quoted by D'Olivet, (Histoire de l'Academie Française,) as having been made by the critic a short time previous to his death, are a convincing proof, on the other hand, that he was tenacious to the last of his original heresy. 'So little,' said he, 'have I changed, that on reviewing Tasso of late, I regretted exceedingly that I had not been more explicit in my strictures upon him.' He then goes on to supply the hiatus, by taking up all the blemishes in detail, which he had before only alluded to *en gros*.

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The affectations imputed to Tasso are to be traced to a much more remote origin. Petrarch's best productions are stained with them, as are those of preceding poets, Cino da Pistoja, Guido Cavalcanti, and others,* and they seem to have flowed directly from the Provençale, the copious fountain of Italian lyrical poetry. Tiraboschi referred their introduction to the influence of Spanish literature under the viceroys of Naples, during the latter part of the sixteenth century, which provoked a patriotic replication in seven volumes, from the Spanish Abbè Lampillas. The Italian had the better of his adversary in temper, if not in argument. This false refinement was brought to its height during the first half of the seventeenth century, under Marini and his imitators, and it is somewhat maliciously intimated by Denina, that the foundation of the Academy Della Crusca corresponds with the *commencement* of the decay of good taste.† Some of their early publications prove, that they have at least as good a claim to be considered its promoters as Tasso.‡

Tasso is the most lyrical of all epic poets. This often weakens the significance and picturesque delineation of his narrative, by giving to it an ideal and too general character. His eight lined stanza is frequently wrought up, as it were, into a miniature sonnet. He himself censures Ariosto for occasionally indulging this lyrical vein in his romance, and cites as an example the celebrated comparison of the virgin and the rose. (Can. 1. s. 42.) How many similar examples

* These veteran versifiers have been condensed into two volumes, 8vo. in an edition published at Florence, 1816, under the title of *Poeti del Primo Secolo*.

† *Vicende della Letteratura. Tom. II. p.* 52.

‡ A distinction seems to be authorised between the ancients and the moderns, in regard to what is considered *purity of taste*. The earliest writings of the former are distinguished by it, and it fell into decay only with the decline of the nation. While a vicious taste is visible in the earliest stages of modern literature, and it has been corrected only by the corresponding refinement of the nation. The Greek language was written in classic purity from Homer until long after Greece herself had become tributary to the Romans; and the Latin tongue, from the time of Terence till the nation had sacrificed its liberties to its emperors. While the early Italian authors, as we have already seen, the Spaniards in the age of Ferdinand, the English in that of Elisabeth, and the French under Francis first, (the epochs which may fix the dawn of their respective literatures,) seem to have been deeply infected with a passion for conceits and quibbles, which has been purified only by the diligent cultivation of ages.

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may be found in his own epic. The gardens of Armida are full of them. To this cause we may perhaps ascribe the glittering affectations, the *clinquant* so often noticed in his poetry. Dazzling and epigrammatic points are often solicited in sonnets. To the same cause may be referred in part the nicely adjusted harmony of his verses. It would almost seem as if each stanza was meant to be set to music, as Petrarch is known to have composed many of his odes with this view.* The melodious rhythm of Tasso's verse has none of the monotonous sweetness so cloying in Metastasio. It is diversified by all the modulations of an exquisitely sensible ear. For this reason no Italian poet is so frequently in the mouths of the common people. Ariosto's familiar style and lively narrative is better suited to the popular apprehension. But the lyrical melody of Tasso triumphs over these advantages in his rival, and enables him literally *virûm volitare per ora.* It was once common for the Venetian gondoliers to challenge each other, and to respond in the verses of the Jerusalem, and this sort of musical contest might be heard for hours in the silence of a soft summer evening. The same beautiful ballads, if we may so call these fragments of an epic, are still occasionally chanted by the Italian peasant, who is less affected by the sublimity of their sentiments, than the musical flow of the expression.†

Tasso's sentiments are distinguished, in our opinion, by a moral grandeur surpassing that of any other Italian poet. His devout mind seems to have been fully inspired with the spirit of his subject. We say, in our opinion, for an eminent German critic, F. Schlegel, is disposed to deny him this merit. We think in this instance he must have proposed to himself what is too frequent with the Germans, an ideal and exaggerated standard of elevation. A few stanzas (st. 1 to 19.) in the fourth canto of the Jerusalem, may be said to contain almost the whole argument of the Paradise Lost.

* *Foscolo. 'Essay, &c.' p.* 93.

† 'The influence of metrical harmony is visible in the lower classes, who commit to memory the stanzas of Tasso, and sing them without comprehending them. They even disfigure the language so as to make nonsense of it, their senses deceived all the while by the unmeaning melody.'—*Pignotti. Storia, &c. Tom. IV. p.* 192.

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The convocation of the devils in the dark abyss,* the picture of Satan, whom he injudiciously names Pluto, his sublime address to his confederates, in which he alludes to their rebellion and the subsequent creation of man, were the germs of Milton's most glorious conceptions. Dante had before shadowed forth Satan, but it was only in the physical terrors of a hideous aspect and gigantic stature. The ancients had clothed the Furies in the same external deformities. Tasso, in obedience to the superstitions of his age, gave to the Devil similar attributes, but he invested his character with a moral sublimity, which raised it to the rank of divine intelligences.

'Ebbero i più felici allor vittoria
Rimase a noi d'invitto ardir la gloria.'
'Sia destin ciò ch'io voglio'.

In the literal version of Milton,

——————'What I will is fate.'

Sentiments like these also give to Satan in Paradise Lost, his superb and terrific majesty. Milton, however, gave a finer finish to the portrait, by dispensing altogether with the bugbear deformities of his person, and by depicting it as a form, that

'Had yet not lost
All its original brightness, nor appear'd
Less than Archangel ruin'd.'

It seems to us a capital mistake in Tasso, to have made so little use of the *diablerie*, which he has so powerfully portrayed. Almost all the machinations of the infidels in the subsequent cantos turn upon the agency of petty necromancers.

Tasso frequently deepens the expression of his pictures by some skilful moral allusion. How finely has he augmented the misery of the soldier, perishing under a consuming drought before the walls of Jerusalem, by recalling to his imagination the cool and crystal waters, with which he had once been familiar.

* The semi-stanza, which describes the hoarse reverberations of the infernal trumpet in this Pandœmonium, is cited by the Italians as a happy example of imitative harmony.

'Chiama gli abitator dell'ombre eterne
Il rauco suon della tartarea tromba.
Treman le spaziose atre caverne,
E l'aer cieco a quel romor rimbomba.'

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'Se alcun giammai tra frondeggianti rive
Puro vide stagnar liquido argento,
O giù precipitose ir acque vive
Per alpe, o'n piaggia erbosa a passo lento;
Quelle al vago desio forma e descrive,
E ministra materia al suo tormento;
Che l'imagine lor gelida e molle
L'asciuga e scalda, e nel pensier ribolle.'*

Can. XIII. *st.* 60.

In all the manifold punishments of Dante's 'Hell,' we remember one only in which the *mind* is made use of as a means of torture. A counterfeiter *(barratiere)* contrasts his situation in these dismal regions, with his former pleasant residence in the green vale of the Arno; an allusion, which adds a new sting to his anguish, and gives a fine moral coloring to the picture. Dante was the first great christian poet that had written; and when, in conformity with the charitable spirit of his age, he assigned all the ancient Heathens a place either in his *hell*, or *purgatory*, he inflicted upon them corporeal punishments, which alone had been threatened by their poets.

Both Ariosto and Tasso elaborated the style of their compositions with infinite pains. This labor, however, led them to the most opposite results. It gave to the Furioso the airy graces of elegant conversation; to the Gerusalemme, a stately and imposing eloquence. In this last you may often find a consummate art carried into affectation, as in the former, natural beauty is sometimes degraded into vulgarity, and even obscenity. Ariosto has none of the national vices of style imputed to his rival, but he is tainted with the less excusable impurities of sentiment. It is stated by a late writer, that the exceptionable passages in the Furioso were found crossed out with a pen, in a manuscript copy of the author, showing his intention to have suppressed them at some future period. The fact does not appear probable, since the edition, as it

* 'He that the gliding rivers erst had seen
Adown their verdant channels gently roll'd,
Or falling streams, which to the valleys green
Distill'd from tops of Alpine mountains cold,
Those he desired in vain, new torments bêen
Augmented thus with wish of comforts old;
Those waters cool he drank in vain conceit,
Which more increased his thirst, increased his heat.'—*Fairfax.*

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now stands, with all its original blemishes, was revised and published by himself the year of his death.

Tasso possessed a deeper, a more abstracted, and lyrical turn of thought. Ariosto infuses an active worldly spirit into his poetry; his beauties are social, while those of his rival are rather of a solitary complexion. Ariosto's muse seems to have caught the gossiping spirit of the *fabliaux;* and Tasso's the lyrical refinements of the *provençale.* Ariosto is never sublime like the other. This may be imputed to his subject, as well as to the character of his genius. Owing to his subject he is more generally entertaining. The easy freedom of his narrative often leads him into natural details, much more affecting than the ideal generalisation of Tasso. How pathetic is the dying scene of Brandimarte with the half finished name of his mistress, Fiordiligi, upon his lip.

——— 'Orlando, fa che ti raccordi
Di me nell' orazion tue grate a Dio;
Nè men ti raccomando la mia Fiordi . . . .
Ma dir non poté *ligi;* e qui finío.'*

Tasso could never have descended to this beautiful negligence of expression.†

Tasso challenged a comparison with his predecessor in his gardens of Armida. The indolent and languishing repose of the one, the brisk, amorous excitement of the other, are in some measure characteristic of their different pencils. The parallel has been too often pursued, for us to weary our readers with it.

* ——— Orlando, I implore thee,
That in thy prayers my name may be commended,
And to thy care I leave my lov'd *Fiordi*—
Ligi he could not add;—but here he ended.

† The *ideal*, which we have imputed to Tasso, may be cited, however, as a characteristic of the national literature, and as the point in which their literature is most decidedly opposed to our own. With the exception of Dante and Parini, whose copies from life have all the precision of proof impressions, it would be difficult to find a picture in the compass of Italian poetry executed with the fidelity to nature so observable in our good authors, so apparent in every page of Cowper or Thomson for example. It might be well, perhaps, for the English artist, if he could embellish the minute and literal details of his own school with some of the ideal graces of the Italian. Byron may be considered as having done this more effectually than any contemporary poet. Byron's love of the ideal, it must be allowed, however, has too often bewildered him in mysticism and hyperbole.

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The Italians have a copious variety of narrative poetry, and are very nice in their subdivisions of it. Without attending to these, we have been guided by its chronological succession. We have hardly room to touch upon the 'Secchia Rapita,' *(Rape of the Bucket,)* of Tassoni, the model of the mock-heroic poems afterwards frequent in Italy,* of Boileau's *Lutrin*, and of the *Rape of the Lock*. Tassoni, its author, was a learned and noble Modenese, who, after a life passed in the heats of literary controversies, to which he had himself given rise, died 1635, aged seventyone. The subject of the poem is a war carried on between Modena and Bologna, at the commencement of the thirteenth century, in consequence of a wooden bucket having been carried off from the marketplace in the latter city, by an invading party of the former. This memorable trophy has been preserved down to the present day in the cathedral of Modena. Tassoni's epic will confer upon it a more lasting existence.

> The Bucket, which so sorely had offended,
> In the Great Tower, where yet it may be found,
> Was from on high by ponderous chain suspended,
> And with a marble cope environ'd round.
> By portals five the entrance is defended;
> Nor cavalier of note is that way bound,
> Nor pious pilgrim, but doth pause to see
> The spoil so glorious of the victory.
>
> Canto 1. st. 63.

Gironi, in his life of the poet, triumphantly adduces in evidence of the superiority of the Italian epic over the French mock heroic poem of Boileau, that the subject of the former is far more insignificant than that of the latter, and yet the poem has twelve cantos, being twice the number of the Lutrin. He might have added that each canto contains about

* The Italians long disputed with great acrimony whether this or the comic-heroic poem of Bracciolini *(Lo Scherno degli Dei)* was precedent in point of age. It appears probable, that Tassoni's was written first, although printed last. No country has been half so fruitful as Italy in literary quarrels, and in none have they been pursued with such bitterness and pertinacity. In some instances, as in that of Marini, they have even been maintained by assassination. The sarcastic commentaries of Galileo upon the 'Jerusalem,' quoted in the vulgar edition of the 'Classics,' were found sadly mutilated by one of the offended *Tassisti*, into whose hands they had fallen more than two centuries after they were written. So long does a literary faction last in Italy. The Italians, inhibited from a free discussion on political or religious topics, enter with incredible zeal into those of a purely abstract and often unimportant character.

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six hundred lines, instead of two hundred, the average complement of the French, so that Tassoni's epic has the glory of being twelve times as long as Boileau's, and all about a bucket! This is somewhat characteristic of the Italians. What other people would goodhumoredly endure such an interminable epic upon so trivial an affair, which had taken place more than four centuries before? To make amends, however, for the want of pungency in a satire on transactions of such an antiquated date, Tassoni has besprinkled his poem very liberally with allusions to living characters.

We may make one general objection to the poem, that it is often too much in earnest for the perfect keeping of the mock-heroic. The cutting of throats, and fighting regular pitched battles, are too bloody a business for a joke. How much more in the genuine spirit of this species of poetry is the bloodless battle with the books in the Lutrin.

The machinery employed by Tassoni is composed of the ancient heathen deities. These are frequently brought upon the stage, and are travestied with the coarsest comic humor. But the burlesque, which reduces great things to little, is of a grosser and much less agreeable sort, than that which magnifies little things into great. The 'Rape of the Lock' owes its charms to the latter process. The importance which it gives to the elegant nothings of high life, its perpetual sparkling of wit, the fairy fretwork which constitutes its machinery, have made it superior as a fine piece of irony to either of its foreign rivals. A Frenchman would, doubtless, prefer the epic regularity, progressive action, and smooth seesaw versification of the Lutrin;* while an Italian would find sufficient in the grand heroic sentiment, and the voluptuous portraiture, with which Tassoni's unequal poem is occasionally inlaid, to justify his preference of it. There is no accounting for national taste. La Harpe, the Aristarchus of French critics, censures the gossamer *machinery* of the 'Rape of the Lock' as the greatest defect in the poem. 'La fable des Sylphes, que Pope a très inutilement empruntèe du conte de Gabalis, pour en faire le merveilleux de son poëme, n'y produit *rien d'agrèable, rien d'interessant!*'

* The versification of the Lutrin is esteemed as faultless as any in the language. The tame and monotonous flow of the best of French rhyme, however, produces an effect, at least upon a foreign ear, which has been well likened by one of their own nation to 'the drinking of cold water.'

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Italy, in the sixteenth and seventeenth centuries was inundated with crude and insipid romances, distributed into all the varieties of epic poetry. The last one, however, of sufficient importance to require our notice, namely, the *Ricciardetto* of Nicholas Fortiguerra appeared as late as 1738. After two centuries of marvellous romance, Charlemagne and his paladins became rather insipid dramatis personæ. What could not be handled seriously, however, might be ridiculed; and the smile, half suppressed by Ariosto and Berni, broke out into broad buffoonery in the poem of Fortiguerra.

The *Ricciardetto* may be considered the Don Quixote of Italy; for although it did not bring about that revolution in the national taste ascribed to the Spanish romance, yet it is, like that, an unequivocal parody upon the achievements of knight errantry. It may be doubted whether Don Quixote itself was not the consequence, rather than the cause of the revolution in the national taste. Fortiguerra pursued an opposite method to Cervantes, and instead of introducing his crackbrained heroes into the realities of vulgar life, he made them equally ridiculous by involving them in the most absurd caricatures of romantic fiction. Many of these adventures are of a licentious and sometimes of a disgusting nature; but the graceful though negligent beauties of his style throw an illusive veil over the grossness of the narrative. Imitations of Pulci may be more frequently traced than of any other romantic poet. But although more celebrated writers are occasionally, and the extravagancies of chivalry are perpetually parodied by Fortiguerra, yet his object does not seem to have been deliberate satire, so much as good humored jesting. What he wrote was for the simple purpose of raising a laugh, not for the derision or the correction of the taste of his countrymen. The tendency of his poem is certainly satirical, yet there is not a line indicating such an intention on his part. The most pointed humor is aimed at the clergy.* Fortiguerra was himself a canon. He com-

* One of the leading characters is Ferragus, who had figured in all the old epics as one of the most formidable Saracen chieftains. He turns hermit with Fortiguerra, and beguiles his lonely winter evenings with the innocent pastime of making candles.

——————'E ne l'orrida bruma
Quando l'aria è piu fredda, e piu crudele,
Io mi diverto in far de le candele.'—III. 53.

A contrast highly diverting to the Italians, who had been taught to associate

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menced his epic at the suggestion of some friends with whom he was passing a few weeks of the autumn at a hunting seat. The conversation turned upon the labor bestowed by Pulci, Berni, and Ariosto on their great poems; and Fortiguerra undertook to furnish the next day a canto of good poetry exhibiting some of the peculiarities of their respective styles. He fulfilled his promise, and his friends, delighted with its sprightly graces, persuaded him to pursue the epic to its present complement of thirty cantos. Any one acquainted with the facilities for *improvisation* afforded by the flexible organisation of the Italian tongue, will be the less surprised at the rapidity of this composition. The 'Ricciardetto' may be looked upon as a sort of improvisation.

In the following literal version of the two opening stanzas of the poem, we have attempted to convey some notion of the sportive temper of the original.

It will not let my busy brain alone,—
The whim has taken me to write a tale
In poetry, of things till now unknown,
Or if not wholly new, yet nothing stale.
My Muse is not a daughter of the Sun
With harp of gold and ebony; a hale
And buxom country lass, she sports at ease,
And free as air sings to the passing breeze.

Yet though accustom'd to the wood,—its spring
Her only beverage, and her food its mast,
She will of heroes and of battles sing,
The loves and high emprizes of the past.
Then if she falter on so bold a wing,
Light be the blame upon her errors cast,
She never studied; and she well may err,
Whose home hath been beneath the oak and fir.

Fortiguerra's introductions to his cantos are seasoned with an extremely pleasant wit, which Lord Byron has attentively studied, and in some passages of his more familiar poetry closely imitated. The stanza, for example, in Beppo, beginning

very lofty ideas with the name of Ferragus. The conflict kept up between the devout scruples of the new saint, and his old heathen appetites, affords perpetual subjects for the profane comic.

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'She was not old, nor young, nor at the years,
Which certain people call a *certain age*,
Which yet the most uncertain age appears,' &c.

was evidently suggested by the following in Ricciardetto.

Quando si giugne ad una *certa età*,
Ch'io non voglio descrivervi qual è,
Bisogna stare allora a quel ch'un ha,
Nè d'altro amante provar più la fè,
Perchè, donne me care, la beltà
Ha l' ali al capo, alle spalle, ed a' piè;
E vola si, che non si scorge più
Vestigio alcun ne' visi, dove fu.'

Byron's wit, however, is pointed with a keener sarcasm, and his serious reflections show a finer perception both of natural and moral beauty, than belong to the Italian. No two things are more remote from each other than sentiment and satire. In 'Don Juan' they are found side by side in almost every stanza. The effect is disagreeable. The heart, warmed by some picture of extreme beauty or pathos, is suddenly chilled by a selfish sneer, a cold blooded maxim, that makes you ashamed of having been duped into a good feeling by the writer, even for a moment. It is a melancholy reflection, that the last work of this extraordinary poet should be the monument alike of his genius and his infamy. Voltaire's licentious epic, the 'Pucelle,' is written in a manner perhaps more nearly corresponding to that of the Italian. But the philosophical irony, if we may so call it, which forms the substratum of the more familiar compositions of this witty and profligate author, is of somewhat too deep a cast for the light, superficial banter of Fortiguerra.

We have now traced the course of Italian narrative poetry down to the middle of the last century. It has by no means become extinct since that period, and among others, an author well known here by his history of our revolutionary war, has contributed his share to the epopee of his country, in his 'Camillo, o Vejo Conquistata.' Almost every Italian writer has a poetic vein within him, which if it does not find a vent in sonnets or canzones, will flow out into more formidable compositions.*

* Boccaccio, Macchiavelli, Bembo, Varchi, Castiglione, Pignotti, Botta, and a host of other *classic* prose writers of Italy, have all confessed the 'impetus sacer,' and given birth to epics, lyrics, or bucolics.

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In glancing over the long range of Italian narrative poems, one may be naturally led to the reflection, that the most prolific branch of the national literature is devoted *exclusively* to purposes of mere amusement. Brilliant inventions, delicate humor, and a beautiful coloring of language are lavished upon all; but with the exception of the 'Jerusalem,' we rarely meet with sublime or ennobling sentiment, and very rarely with anything like a moral or philosophical purpose. Madame de Staël has attempted to fasten a reproach on the whole body of Italian letters, 'that, with the exception of their works on physical science, they have never been directed to *utility*.'* The imputation applied in this almost unqualified manner is unjust. The language has been enriched by the valuable reflections of too many historians, the solid labors of too many antiquaries and critics, to be thus lightly designated. The learned lady may have found a model for her own comprehensive manner of philosophising, and an ample refutation of her assertion in Macchiavelli alone.† In their works of imagination, however, such an imputation appears to be well merited. The Italians seem to demand from these nothing further than from a fine piece of music; where the heart is stirred, the ear soothed, but the understanding not a whit refreshed. The splendid apparitions of their poet's fancy fade away from the mind of the reader, and like the enchanted fabrics described in their romances leave not a trace behind them.

In the works of fancy in our language, fiction is almost universally made subservient to more important and nobler purposes. The ancient drama, and novels, the modern prose drama, exhibit historical pictures of manners, and accurate delineations of character. Most of the English poets in other

* 'Tous les ouvrages des Italiens, excepté ceux qui traitent des sciences physiques, n'ont jamais pour but l'utilité.'—*De la Literature, &c.*

† We say *manner*, not spirit. The 'Discorsi sopra T. Livio,' however, require less qualification on the score of their principles. They obviously furnished the model to the 'Grandeur et Decadence des Romains,' and the same extended philosophy, which Montesquieu imitated in civil history, Madame de Staël has carried into literary.

Among the historians, antiquaries, &c. whose names are known where the language is not read, we might cite Guicciardini, Bembo, Sarpi, Giannone, Nardi, Davila, Denina, Muratori, Tiraboschi, Gravina, Bettinelli, Algarotti, Beccaria, Filanghieri, Cesarotti, Pignotti, and many others;—a hollow muster roll of names, that it would be somewhat ridiculous to run over, did not their wide celebrity expose, in a stronger light, Madame de Staël's sweeping assertion.

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walks, from the 'moral Gower' to Cowper, Crabbe, and Words worth, have made their verses the elegant vehicles of religious or practical truth. Even descriptive poetry in England interprets the silence of external nature into a language of sentiment and devotion. It is characteristic of this spirit in the nation that Spenser, the only one of their classic writers who has repeated the fantastic legends of chivalry, deemed it necessary to veil his Italian fancy in a cloud of allegory, which, however it may be thought to affect the poem, shows unequivocally the didactic intention of the poet.

None of these grave and extended views are visible in the ornamental writing of the Italians. It conveys no useful information, inculcates no moral or practical truth; but it is simply an elegant unprofitable pastime. Novelle, lyrical and epic poetry, may be considered as constituting three principal streams of their lighter literature. These have continued to flow, with little interruption, the two first from the 'golden urns' of Petrarch and Boccaccio, the last from the early sources we have already traced, down to the present day. Their multitudinous novelle, with all their varieties of tragic and comic incident, the last by far the most frequent, present few just portraitures of character, still fewer examples of sound ethics, or wise philosophy.* In the exuberance of their sonnets and canzone, we find some, it is true, animated by an efficient spirit of religion or patriotism. But too frequently they are of a purely amatory nature, the unsubstantial though brilliant exhalations of a heated fancy. The pastoral drama, the opera, and other beautiful varieties of invention, which, under the titles of Bernesco, Burlesco, Maccherónico, and the like, have been nicely classed according to their different modifications of style and humor, while they manifest the mercurial temper and the originality of the nation, confirm the justice of our position.

The native melody of the Italian tongue, by seducing their writers into an overweening attention to sound, has doubtless been in one sense prejudicial to their literature. We do not

* The heavier charge of indecency lies upon many. The Novelle of Casti, published as late as 1804, make the foulest tales of Boccaccio appear fair beside them. They have run through several editions since their first appearance, and it tells not well for the land, that a numerous class of readers can be found in it, who take delight in banqueting upon such abominable offal.

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mean to imply, in conformity with a vulgar opinion, that the language is deficient in energy or compactness. Its harmony is no proof of its weakness. It allows more licenses of contraction then any other European tongue, and retains more than any other the vigorous inversions of its Latin original. Dante is the most concise of early moderns, and we know none superior to Alfieri in this respect among those of our own age. Davanzati's literal translation of Tacitus is condensed into a smaller compass than its original, the most sententious of ancient histories. But still the silver tones of a language, that almost sets itself to music as it is spoken, must have an undue attraction for the harmonious ear of an Italian. Their very first classical model of prose composition is an obvious example of it.

The frequency of *improvisation* is another circumstance, that has naturally tended to introduce a less serious and thoughtful habit of composition.—Above all, the natural perceptions of an Italian seem to be peculiarly sensible to *beauty*, independent of every other quality. Any one, who has been in Italy, must have recognised the glimpses of a pure taste through the rags of the meanest beggar. The musical pieces, when first exhibited at the theatre of St Carlos, are correctly pronounced upon by the Lazzaroni of Naples. And the mob of Florence decide with equal accuracy upon the productions of their immortal school. Cellini tells us, that he exposed his celebrated statue of Perseus in the public square, by order of his patron Duke Cosmo First, who declared himself perfectly satisfied with it on learning the commendations of the people.* It is not extraordinary, that this exquisite sensibility to the beautiful should have also influenced them in literary art, and have led them astray sometimes from the substantial and the useful. Who, but an Italian historian, would, in this practical age, so far blend fact and fiction, as for the sake of rhetorical effect, to introduce into the mouths of his personages sentiments and speeches never uttered by them, as Botta has lately done in his History of the American War?

In justice, however, to the Italians, we must admit, that the reproach incurred by too concentrated an attention to beauty,

* *Vita di Benvo. Cellini. Tom. II. p.* 339.

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to the exclusion of more enlarged and useful views in their lighter compositions, does not fall upon this, or the last century. They have imbibed a graver and more philosophical cast of reflection, for which they seem partly indebted to the influence of English literature. Several of their most eminent authors have either visited or resided in Great Britain, and the genius of the language has been made known through the medium of skilful translations. Alfieri has transported into his tragedies the solemn spirit, and vigorous characterisation peculiar to the English. He somewhere remarks that 'he could not read the language.' But we are persuaded his stern pen would never have traced the dying scene of Saul, had he not witnessed a representation of Macbeth. Ippolito Pindemonte, in his descriptive pieces, has deepened the tones of his native idiom, with the moral melancholy of Gray and Cowper. Monti's compositions, both dramatic and miscellaneous, bear frequent testimony to his avowed admiration for Shakspeare; and Cesarotti, Foscolo, and Pignotti, have introduced the 'severer muses' of the north to a still wider and more familiar acquaintance with their countrymen.* Lastly, among the works of fancy, which attest the practical scope of Italian letters in the last century, we must not omit the 'Giorno' of Parini, the most curious and nicely elaborated specimen of *didactic* satire produced in any age or country. Its polished irony, pointed at the domestic vices of the Italian nobility, indicates both the profligacy of the nation, and the moral independence of the poet.

The Italian language, the first born of those descended from the Latin, is also the most beautiful. It is not surprising, that a people endowed with an exquisite sensibility to beauty, should have been often led to regard this language rather as a means of pleasure, than of utility. We must not, however, so far yield to the unqualified imputation of Madame de Staël, as to forget, that they have other claims to our admiration, than what arise from the inventions of the poet, or from the ideal beauties, which they have revived of Grecian

* Both the prose and poetry of Foscolo are pregnant with more serious meditation and warmer patriotism, than is usual in the works of the Italians. Pignotti, although his own national manner has been but little affected by his foreign erudition, has contributed more than any other, to extend the influence of English letters among his countrymen. His works abound in allusions to them, and two of his principal poems are dedicated to the memory of Shakspeare and of Pope.

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art; that the light of *genius* shed upon the world in the fourteenth, and that of *learning* in the fifteenth century, was all derived from Italy; that her writers first unfolded the sublimity of christian doctrines as applied to modern literature, and by their patient philological labors restored to life the buried literature of antiquity; that her schools revived and expounded the ancient code of law, since become the basis of so important a branch of jurisprudence, both in Europe and our own country; that she *originated* literary,* and brought to a perfection, unequalled in any other language, unless it be our own, civil and political history; that she led the way in physical science, and in that of political philosophy; and finally, that of the two enlightened navigators, who divide the glory of adding a new quarter to the globe, the one was a Genoese, and the other a Florentine.

In following down the stream of Italian narrative poetry, we have wandered into so many details, especially where they would tend to throw light on the intellectual character of the nation, that we have little room, and our readers, doubtless, less patience left for a discussion of the poems, which form the text of our article. The few stanzas descriptive of Berni, which we have borrowed from the Innamorato, may give some notion of Mr Rose's manner. The translations have been noticed in several of the English journals, and we perfectly accord with the favorable opinion of them, which has been so often expressed, that it needs not here be repeated.

The composite style of Ariosto owes its charms to the skill, with which the delicate tints of his irony are mixed with the sober coloring of his narrative. His translators have spoiled the harmony of the composition, by overcharging one or other of these ingredients. Harrington has caricatured his original into burlesque; Hoole has degraded him into a most melancholy proser. The popularity of this latter version has been of infinite disservice to the fame of Ariosto, whose aerial fancy loses all its buoyancy under the heavy hexameters of the English translator. The purity of Mr Rose's taste has prevented him from exaggerating even the beauties of his original.

* *Ginguenè. Hist. Lit. &c. Tom. III. p.* 160.

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ART. VI.—*A Practical Treatise upon the Authority and Duty of Justices of the Peace in Criminal Prosecutions.* By DANIEL DAVIS, Solicitor General of Massachusetts. 8vo. pp. 687. Boston. Cummings, Hilliard and Co. 1824.

A CORRECT, practical guide for justices of the peace in criminal prosecutions, presenting an analysis of their duties, in a convenient and accessible form, has long been wanted. The office of a justice is of the highest importance to the public. He has a very extensive and summary jurisdiction. He has power to arrest and imprison any of his fellow citizens. In cases of smaller offences he regulates the punishment; in complaints for the higher crimes he examines the circumstances of the case, discharges the accused or commits him for trial, and either refuses or regulates the bail, at his own discretion. The cases in which he is required to act are numberless; he is daily and hourly called upon to administer justice. He is the general preserver of the peace and good order of society. Speaking of the institution of justices of the peace, lord Coke says, 'It is such a form of subordinate government for the tranquillity and quiet of the realm, as no part of the christian world hath the like, if the same be duly executed.' A magistrate of such power, and so important in the regulation of civilised society, ought to be well versed in the duties of his office. He should understand the nature of crimes, the law of evidence, the statutes regulating punishments, the forms of proceeding, and the rights of the citizen. His ignorance on any of these subjects may occasion much injustice and oppression. And it may even be questioned, when we take into view the vast number of cases in which they are required to act, whether the unskilfulness of justices might not produce a greater amount of injury and vexation, than could arise from the want of knowledge in higher judicial officers.

The ignorance of justices with regard to their duty has often been, however, a subject of complaint, both in Massachusetts and elsewhere. The causes of this want of knowledge, as far as it respects our own country, will partly appear from the following passage of our author.

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'Many, perhaps the greater part of the magistrates in this country, have not the means of acquiring a competent knowledge of their official duties. With respect to such of those duties as it is the object of this undertaking to explain, no treatise specially confined to them, and fully pointing them out, has ever been published, either in this country, or, (as it is believed,) in England. In the year 1773, an abridgment of Dr Burn's 'Justice of the Peace and Parish Officer' was made and published in Boston. This was a useful undertaking at the time; but much of the matter, selected for that abridgment, is inapplicable to, and foreign from the object of this work. A volume by Samuel Freeman, Esq. and another by R. Dickinson, Esq. upon the office and duty of justices of the peace, have also been published in Massachusetts. But very small portions, in either of these, relate to the subject of criminal prosecutions. They were, probably, not intended by their respectable authors, as complete guides in that branch of a justice's duty.

'It is not to be expected that many of our practising magistrates can obtain the requisite information upon this branch of their duty from English law books. The more ancient treatises, such as those of Lambard, Crompton, and Dalton, have ceased to be practical guides, though frequently recurred to as venerable authorities. The work of Dr Burn, before alluded to, is of high and unquestionable authority; but the former editions of it contain four volumes, by far the greater part of which is of no use to an American magistrate. An analysis upon this subject is contained in the first volume of Mr Chitty's Practical Treatise on the Crown Law, published A. D. 1816. The English edition of this work is in four large volumes, and comprises a complete system of practice, pleading, and evidence, in criminal prosecutions in the English courts; together with a copious collection of precedents and practical forms used in those courts. This work is of value in the library of a lawyer; but a very small portion of it is of any immediate use to a practising magistrate in this country. The size and expense of it are somewhat diminished by a late edition in two volumes, by Richard Peters, jun. Esq. of Pennsylvania. Still the expense of purchasing this, or any other English work, merely for what it contains upon the particular duties of a justice of the peace in criminal prosecutions, cannot be readily or conveniently incurred. Two other works upon the powers and duties of justices of the peace and parish officers have been published within a few years; one by Thomas W. Williams, in five volumes; the other by William Dickinson, in two volumes; but they have not as yet been received in this part of the United States.' p. 3—5.

We may add, that no compilation with which we are acquainted, supersedes the necessity of such a work as that

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before us. We think too the author might have insisted even more than he has done, on the little use of which the English books can be in this country. Our criminal jurisprudence deviates so widely from that of our parent country, that a large part of every English book relating to justices, must be of little practical application in the United States.

The work before us is not unworthy of the high reputation, which its author maintains in his profession. It is a very clear and methodical summary of the duties of justices in criminal cases. Although exhibiting much legal science, it is essentially a practical work, and could only have been written by one practically familiar with the subject of which it treats. Justices of the peace will find it a safe and convenient assistant in the discharge of their official labors. The advice, which is occasionally given to the magistrate, is rendered valuable from the long experience of the author; and is well adapted to solve those doubts, which most frequently arise. The directions as to the justice's duty in taking bail, recognising parties and witnesses, and taxing costs, are peculiarly useful and convenient, and but a small part of them are to be found in any other treatise.

The first part of the volume contains a history of the mode of proceeding before a justice in criminal prosecutions. The proceedings are traced accurately and minutely, and the duties of the magistrate are plainly pointed out. The law of evidence, as far as it is necessary, is also included in this part of the work. The second part begins with a collection of forms. They appear to be drawn with great care and skill; and are recommended by their neatness and precision. Everything is stated in a full and satisfactory manner, and yet without that prolixity and tautology, which disfigure too many of the English precedents. This part also comprises the law with regard to the various subjects of criminal prosecutions, alphabetically arranged, and contains forms under most of the titles.

Without asserting that the work before us is free from defects, we are not conscious of any undue partiality in stating, that in correctness and ability it will bear a favorable comparison with the most distinguished treatises on similar subjects. On one subject, however, the law is not laid down with accuracy; which we notice here, not as a proof of

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general inattention, but merely that the sanction of the author's name may not mislead others. It is said, that 'Quakers and *others*, who decline taking an oath on account of their religious scruples,' are permitted to *affirm*. (p. 18.) The same statement is afterwards repeated. (p. 92, 93.) The statute of this State confines the exemption from taking oaths strictly to Quakers.* The author was doubtless inadvertently led into this error, from the practice which has prevailed, though incorrect, of permitting other persons besides Quakers to *affirm*, who were scrupulous on the subject of oaths.

In a few cases the author indulges too freely in moral reflections, as for instance, on the subjects of duelling and sabbath breaking. It would no doubt have been proper for him briefly to express his sentiments on offences of this nature, but the discussions and animadversions running through several pages are rather out of place in a legal treatise.

The following extract, relative to breaking open houses, for the purpose of apprehending offenders, and preventing crimes, is interesting to readers of all classes.

'In what cases doors may be broken open in furtherance of the purposes of justice, are questions of great delicacy and importance, in relation to the execution of warrants, and the apprehension of criminal offenders. A knowledge of the law, as it concerns the powers and duties of officers in these cases, becomes more important and necessary from the circumstance, that the most eminent writers upon the criminal law have differed in their opinions upon this subject.

'The first general principle is, that no man's house or castle can be violated with impunity, except in those cases only where absolute necessity compels the disregard of inferior rights, in order to secure public benefit; and therefore in all cases where the law is silent and express principles do not apply, this extreme violence is illegal. And this principle is carried so far in the civil law, that for the most part, not so much as a common citation or summons, much less an arrest, can be executed upon a man within his own walls. There is a distinction between the powers of officers and private individuals in this respect. For it is said that the former,

* Mass. st. 1810. c. 127. See also 2 Gall. R. 364. In this case, a witness, not a Quaker, refused to take an oath, alleging conscientious scruples. But the judge said that the statue only extended to Quakers; and committed the witness for a contempt.

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being enjoined by law to apprehend a party suspected, may be justified in breaking open doors to apprehend him, on mere suspicion of felony; and will be justified though it appear that the suspicion was groundless; but a private individual acts at his own peril, and if the party be innocent would be liable to an action for breaking open doors without warrant.

'The reason of this difference between the arrests of private persons and officers, upon suspicion only, is, that in the former case the arrest upon suspicion is only permitted; and if omitted is not punishable; and therefore they are not permitted to break open doors; but in case of officers, they are punishable, if they omit this duty. Another and sufficient reason arises from the great inconvenience and danger of admitting every private man, upon pretence of suspicion, to break open houses; whereas officers, and the authority with which they are clothed, are publicly known and presumed to be sufficient.

'It is a principle of law so clearly settled, as that no doubt or fear need be apprehended concerning it, that when it is certain a felony has been committed, or a dangerous wound given, and the offender, upon pursuit, takes refuge in his own house, either a constable, or other peace officer, or any private individual, may, without warrant, break open his doors, if refused admittance after proper demand. And when an affray is made in a house, in the view or hearing of a peace officer, he may break open the outer door in order to suppress it. So in some extreme cases it has been holden, that a private individual may break and enter the house of another, to prevent his murdering one who cries out for assistance. But it is doubted whether this power extends to an officer or private person when felony is only *suspected*, and has not been committed *within the view* of the party making the arrest. It is said to be certain that an officer may break open doors, upon the positive information of another who was actually a witness to the felony; and a marked distinction between the power of officers and private individuals is, that the latter can act only on their own knowledge, while the former may proceed on the information of others. A peace officer may justify an arrest on a reasonable charge of felony *without a warrant*, although it should afterwards appear that no felony had been committed; but a private individual cannot. We may therefore take it as settled law, that a private person may break open doors after a proper demand and notice, when he is certain that a felony has been committed; and that a constable may do the same upon the information of the party in whom the knowledge, or reasonable suspicion exists.' p. 67—69.

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ART. VII.—*The Philosophy of Natural History, by William Smellie, Member of the Antiquarian and Royal Societies of Edinburgh; with an Introduction and various Additions and Alterations intended to adapt it to the present State of Knowledge.* By JOHN WARE, M. D. Fellow of the Massachusetts Medical Society, and of the American Academy of Arts and Sciences. 8vo. pp. 336. Boston. Cummings, Hilliard, and Co. 1824.

FEW departments of knowledge are more interesting than Natural History, and the attention which is now given to it furnishes the best evidence, that its claims to notice begin to be fully estimated. The inducements to its cultivation are peculiarly strong in our own country, whose immense lakes, forests, and mountains, have as yet been but imperfectly explored by Naturalists, and the little that is known of their productions leads to the belief, that they contain abundance to encourage and reward the labors of science.

It has been among the reproaches cast upon us, that we are compelled to look into the works of foreigners for the Natural History of our country, and though this is no longer true with regard to the vegetable kingdom, yet even in this, as well as in the others, the harvest is still abundant and the laborers but few. A taste for this science cannot be too early formed; for Natural History is a study peculiarly well adapted to the young, from the great interest which it excites, from the exercise it gives the intellectual faculties, and from the sources of pure and innocent enjoyment, which it cannot fail to open; and we know of no work better calculated for an elementary one, than the Philosophy of Natural History by Smellie. It has long been regarded with favor for the excellence of its plan, and the general accuracy of its details. It gives a cursory view of the structure, functions, habits, and peculiarities of animals, the distinction between them and vegetables, beginning with man and descending to the lowest and most imperfect of the animal creation, and it abounds throughout with profound and philosophic views of the subject. In this way the minute details of the science are avoided, and the young beginner is not compelled, at the outset of his career, to burden his memory with a copious and unintelligible nomenclature.

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To a certain extent this arrangement is highly judicious, but it is no doubt proper that the student should as early as possible become acquainted with the general outlines of the classification, and the principles on which it is founded, otherwise much of the science will appear to him obscure and confused. The want of this general classification was unquestionably a very great defect in the original work of Smellie, and there is another, of a different character however, arising from the great advances that have been made in science since the time of its publication, a period during which probably greater progress has been made in Natural History than in any other equal portion of time. In presenting therefore a new edition to the public, it was desirable to adapt the work to the present state of knowledge; to incorporate into it all the improvements and discoveries that had been subsequently made; to reject all that portion which later researches had shown to be erroneous; and thus remove the greatest objection to its general use as an elementary book of instruction. This task has been performed by Dr Ware; he has retained as much of the original as the advanced state of science would allow; he has judiciously altered, as far as practicable, what was obsolete, and where that was not possible he has given new matter in the place of the original. The two first chapters of Smellie are entirely omitted, and instead of them we are presented with a sensible, clear, and well written introduction divided into three chapters, the first of which treats of the nature of living bodies, and the distinction between animals and vegetables, and the second and third of the structure of vegetables and animals.

All the productions of nature may be divided into two great classes, namely, those that possess life, and those that do not; the former includes animals and vegetables, the latter minerals alone. The first class differs from the second in its origin; every individual belonging to it being the production of a preceding one, and being endowed with the power of contributing in some way to the continuance of its species. This distinction is very striking and important. Nothing analogous exists in minerals; it is by no means however the only distinctive character, though perhaps the most remarkable one. Animate bodies differ also from inanimate ones in requiring something extraneous to contribute to their nourishment

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and growth; minerals enlarge by the juxtaposition of particles only.

Vitality, moreover, enables animals and vegetables to resist to a certain degree the influence of physical laws. This is very remarkable in individuals of the higher classes of the animal kingdom, which are able to retain their own temperature in every state of atmosphere, and in every change of season and climate.

'Individuals have exposed themselves voluntarily to the air of ovens, at temperatures from two hundred and sixty degrees to three hundred and fifteen degrees of Fahrenheit's thermometer, without any very great inconvenience, while water was boiling and meat baking in the same atmosphere. Very lately the whole of two ships' crews wintered in about seventyfive degrees of north latitude in perfect safety, where the temperature of the air was, for many weeks together, almost constantly below—30°, and where they became so accustomed to severe cold, that the atmosphere, when at zero, felt mild and comfortable. These facts show a power of resisting the operation of external causes, which is possessed by no substances except such as are endowed with life, and is, probably, possessed in some degree by all that are. For, although vegetables and the lower orders of animals are not capable of resisting to the same extent the influence of heat and cold, yet they all show in some measure the existence of the same power.' p. 4.

Animate bodies have this farther distinction, 'that they all terminate their existence in death.' When the vital principle has departed, the materials which entered into their composition obey physical laws, and undergo changes and decomposition. Some parts, as the teeth and bones of animals, and the trunks and branches of trees, resist for a time, but all finally submit to the inevitable law of creation, that dust must return to dust. The line of demarkation is not so evident between animals and vegetables, and most naturalists have failed in their attempts to point it out. Locomotion has been supposed by many to be a distinctive characteristic of the animal creation, but this is possessed by some marine plants, and is denied to the oyster and many other species of animals. A certain degree of motion is enjoyed by nearly the whole of the vegetable kingdom. The roots of most plants will change their direction in pursuit of water, the tendrils of some will attach themselves to objects that approximate without touching them, the leaves of all will turn to the light, and some, like

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those of the Heliotrope, and even the common sunflower, perform nearly a diurnal revolution. 'Vegetables,' says Linnæus, 'grow and *live;* animals grow, live, and *feel.*' But what proof is there, that the sensibility of some plants, that of the sensitive, for example, is not as great as that of the corals, madrepores, and zoophytes generally? The plant certainly gives more indication of sensation than the animals referred to, and we know of no reason to induce us to believe, that they are actually endowed with any greater degree of sensibility. It has been well remarked by Smellie, that 'life, without some degree of sensation, is an incomprehensible idea.'

Real distinctions, however, between animals and vegetables do exist, and must be sought in their intimate structure and composition, in the nature of their food, in the manner of taking and the mode of digesting it. Animal substances contain all the elementary principles of which vegetables are composed, and azote or nitrogen is always found in them in addition. From this circumstance the odor emitted during combustion has been named as a test, by which the presence of animal or vegetable matter could be determined, and some stress is laid on it by Dr Ware. It is observed, however, by Mr Murray, in his System of Chemistry, that 'of all the products of the vegetable system, the juice of the *Carica Papaya* is the one which approaches most nearly to animal matter, and it might indeed be regarded as a variety of it, if its origin were not known.' The glutinous part of wheat, *caoutchouc*, or Indian rubber, and some other vegetable products give out, when burning, an odor very analogous to that from animal matter, under the same circumstances. It is doubtful, therefore, whether this can be regarded as affording a distinctive character between the productions of the two kingdoms, and we shall no doubt be disappointed if we expect to find any one circumstance, by which vegetables and animals may be distinguished from each other. Dr Ware very judiciously remarks, that

'The distinction must be sought in the general structure, the general mode of existence, and the purposes of existence in the two. And in a few words we may say, that animals differ from plants in being furnished with internal organs for the purpose of digesting food, instead of absorbing it by roots from the earth; in being furnished with organs, which render them capable of moving

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from place to place, or at least of moving one part of their bodies in some other part; in having powers of sensation, perception, and volition, by which they acquire a knowledge of the existence and qualities of other bodies besides themselves, and form some sort of relation or connexion with them; and in being obviously intended, by the possession of those organs and powers, to be conscious of and to enjoy existence.'

Of the various classifications of the animal kingdom, that of Linnæus is probably the best known, and was for a time universally adopted.* The greatest objection to it arises from the facts, that it brings together, in some instances, animals of very dissimilar properties and habits, that it does not sufficiently regard the various characters of the different objects of animal nature arising from difference of structure, and that it disregards, in fine, too much the study of comparative anatomy, on which every distribution of animals should be founded.

The division proposed by Lamarck, a profound French naturalist, is hardly known in this country, and is not well calculated to answer the objects for which a classification should be formed.

A new and improved arrangement has been adopted within a few years, and seems likely to supersede all others. We are indebted for this to the greater attention, which is now bestowed on comparative anatomy, and without a thorough knowledge of which zoology cannot be advantageously studied. The classification to which we allude, and which is far more perfect than any that preceded it, though that of Linnæus may be considered as having furnished the basis of it, is contained in the new work of Cuvier, entitled 'Le Règne Animal,' and we are glad to perceive that Dr Ware has given the general outlines of it in the present edition of Smellie.

Many philosophers and naturalists have appeared willing at different times to degrade man by classing him with several animals of a lower order; and even Linnæus himself ranked him with bats, monkeys, and lemurs, merely because the number and arrangement of their incisor or cutting teeth in each jaw were similar to his. A thorough knowledge of

* He divided animals into six classes, viz. Mammalia, Aves, Amphibia, Pisces, Insecta, and Vermes.

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comparative anatomy, however, has taught naturalists of the present day, that every classification, in order to be useful, must rest 'on the double basis of external and internal structure,' and that one or two unimportant coincidences are not a sufficient reason for placing animals, which differ in many essential particulars, in the same class or order. Comparative anatomy also teaches us, in spite of the speculations of some philosophers, that man differs essentially from all other animals in his physical, as well as in his intellectual faculties, that he is the only animal that naturally walks erect, and that, though some may surpass him in the delicacy of some one organ, as those of some of the senses, for example, yet on the whole the combination of his bodily powers is so wonderful, and capable of such astonishing effects, as to entitle him to the most elevated rank in the scale of living beings.

A minute examination of the structure, both internal and external, of apes, baboons, and monkeys, has satisfied naturalists, that they are separated by an immense interval from the most inferior variety of the human race, and the necessity therefore became obvious of adopting some classification, founded upon permanent and important characters, which should place man in the rank to which he was entitled from his great physical and moral superiority. All animals are, therefore, divided by Cuvier in the first place into two grand divisions, viz. into *vertebral*, embracing those that have a spine or *vertebræ*, and into *invertebral*, comprehending all those that are destitute of it. These are subdivided into the following classes.

I. VERTEBRAL ANIMALS.

1. *Mammalia*, or those which suckle their young.
2. *Birds.*
3. *Reptiles*, as frogs and serpents.
4. *Fishes.*

The two first of the above classes are warm blooded, and the two last cold blooded.

II. INVERTEBRAL ANIMALS.

5. *Insects.*
6. *Crustacea*, as the lobster and crab.
7. *Mollusca*, as the oyster and cuttle fish.

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8. *Vermes*, or worms, as the leech and earth worm.

9. *Zoophytes*, as the star fish, sponges, corals and madrepores.

Each of these classes is subdivided into several orders, these into genera, and these last into species. As it is foreign to our purpose to give a complete view of the classification of animals, we shall confine our notice of it to the first class, which is, perhaps, the most interesting, and the subdivisions of which are different in many respects in the arrangement of Cuvier from that of Linnæus.*

The Mammalia are divided into the following orders; First, *Bimana*, or the two handed animals. Man is the only example of this order. Second, *Quadrumana*, or four handed animals, embracing apes, baboons and monkeys, all of which have hands, though imperfect ones in comparison with those of man, on all four extremities. Third, *Carnivora*, or carnivorous animals. This order comprehends four varieties. The first includes bats; the second the hedgehog and mole; the third the bear, polecat, wolf, dog, lion, tiger, &c; and the fourth the seal and some other amphibious animals. Fourth, *Rodentia*, or gnawers; the squirrel, rabbit, beaver, and jerboa, are examples of this order. Fifth, *Edentata*, or animals that are destitute of teeth, or provided only with the canine and grinding ones. In this order are placed the sloth, armadillo, and ant eaters. Sixth, *Ruminantia*, or ruminating animals. This is a very extensive and well marked order, having several important characters, but being distinguished especially by the one that gives it its name, that of bringing up the food, for the purpose of mastication, after it has been swallowed. The camel, dromedary, ox, sheep, &c, belong to this order. Seventh, *Pachydermata*, animals which possess, as the name implies, hard and tough skins. This order embraces all those animals with hoofs, which do not ruminate. To it belong the elephant, mammoth, taper, rhinoceros, horse, hog, &c. Eighth, *Cetacea*, or the whale tribe, which are often, though improperly, ranked with fishes, from which

* Linnæus divided the Mammalia into the following orders. First, Primates. Second, Bruta. Third, Feræ. Fourth, Glives. Fifth, Pecora. Sixth, Belluæ. Seventh, Cete. The distinctive characters of these orders, with the exception of the last, depended on the kind, position, or number of the teeth, and thus animals of very different habits were brought together, from a resemblance in one comparatively unimportant particular.

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they differ in being warm blooded, breathing by means of lungs instead of gills, bringing forth their young alive and nourishing them with their milk.

To these orders it has sometimes been proposed to add a ninth, and this arrangement is adopted by Dr Ware for the purpose of embracing certain animals, which are furnished with a pouch *(marsupium)* into which the young are received long after birth, on the approach of danger. From this singular apparatus, they have received the name of Marsupial animals, and though this character is a very remarkable one, it has not been thought sufficiently important by Cuvier to entitle them to rank as a distinct order, and he has accordingly distributed them among the other orders of the Mammalia, to which they have the greatest resemblance. Thus the Ornithorynchus is placed among the Edentata, the Kanguroo with the Rodentia, and the Opossum with the Carnivora. The Ornithorynchus in fact appears to us to be hardly entitled to a place among the Marsupial animals, as it is destitute of a pouch, the very circumstance from which they derive their name, though it possesses the Marsupial bones, and some peculiarities in the structure of other important organs, which Dr Ware considers a sufficient reason for ranking it with that order.

This animal, now generally known by the name of duck billed platypus, is one of the most curious and interesting in natural history, and produced on its first discovery considerable confusion in the Linnæan classification. When first brought to England from New Holland, the only place in which it has been found, it was supposed to be artificial. Numerous specimens have since been obtained, and farther and more minute investigations of its intimate structure have satisfied naturalists, that it is a genuine production of nature. In some respects it has a strong resemblance to a bird, being furnished with a broad, spoon bill, like a duck, and being destitute of teeth, excepting two imperfect ones situated in the lower part of the mouth. No apparatus has been discovered by which it can suckle its young, and the inhabitants of New Holland believe, that it is oviparous, and that it lays two eggs. It is an aquatic animal, with webbed feet, and inhabits the rivers and marshes of New Holland. The body is covered with a thick, soft fur like that of a beaver, and the

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animal has no inconsiderable resemblance to a small otter. It has four legs and a flat tail, covered with fur like the body. Its greatest length from the tip of the beak to the extremity of the tail is thirteen inches. The only specimen of this singular animal of which we have any knowledge in this country, is in Peale's Museum in Philadelphia. The first specimens sent to Europe were brought to London and described by Dr Shaw, who gave the animal the name of Platypus Anatinus, from the shape of its feet and its resemblance to a duck. It is now, however, known by the name of Ornithorynchus Paradoxus; and it is certainly a much greater paradox in the animal kingdom, than anything hitherto known. Still the singular combination of parts in this animal, strange as it is, tends not at all to render probable the existence of such a creature as a mermaid, under which denomination, some miserable specimens of human ingenuity and fraud have lately been exhibited in this city and in London.

The various productions of the animal kingdom have an intimate relation with each other, and it is not difficult to trace points of similarity and resemblance, from zoophytes, which seem to be the connecting link between animals and vegetables, up to man, who is preeminently the lord of the creation, distinguished from all others as much by the superiority of his physical powers, as by that of his moral faculties. Among the zoophytes, which are divided into three distinct classes, but very imperfect traces of animal organisation are discoverable. Some of them are destitute both of nervous and circulating systems, some have no digestive apparatus, and derive their nourishment wholly from external absorption, and some have no distinction of sexes. Their division into classes rests on the greater or less simplicity of their structure.

Among the other classes of the invertebral animals, however, a more perfect organisation exists. Insects, though destitute of a heart, have an imperfect kind of circulation of the blood, they are furnished with organs of digestion, and nerves of sensation and sense; and some of the animals belonging to the classes Mollusca, Crustacea, and Vermes have a still more complete and complicated structure, simple however in comparison with that of the vertebral animals.

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Fishes, the lowest of the vertebral animals, are furnished with a brain and all the organs of sense; their digestive organs are similar to those of the other animals of their class, their bones however are softer, the heart has but one auricle, and one ventricle, and they breathe by gills or branchiæ instead of lungs. Reptiles are divided into four orders, and a considerable variety is found in their anatomical structure. Many of them have two auricles and but one ventricle to the heart; they have a small brain and but an imperfect nervous system. They breathe by means of lungs, but require a small quantity of air only; hence they will live for some time, when almost entirely deprived of it. The structure of birds, which form the next class, approaches still nearer that of the mammalia. They have a double circulation, one for the whole system, and one for the lungs, and the organs of sense in great perfection, particularly that of sight. Their digestive apparatus is peculiar; being unable, from the want of teeth, to masticate their food, they are furnished with a particular organ to grind it. This structure is not so remarkable in carnivorous birds, as in those that live on vegetables, for animal food requires less attrition for the purposes of digestion than vegetable.

All the animals belonging to the class Mammalia, at the head of which stands man, are more perfect in their organisation; and though differing immensely from each other in their external appearance, have no inconsiderable resemblance in their internal structure. They have all a double heart, composed of two auricles and two ventricles; one carries on the general circulation, and the other the pulmonary or that of the lungs. The digestive organs are varied according to the kind of food upon which the animals subsist; those that feed on vegetables having a more extensive and complicated structure for the purposes of digestion than the carnivorous. The circumstances, which entitle this class to be placed at the head of the animal kingdom, are numerous, and most of them are stated in the following extract from Cuvier's *Règne Animal*. 'Les mammifères doivent être placés à la tête du règne animal, non seulement parce que c'est la classe à laquelle nous appartenons nous mêmes, mais encore parce que c'est celle de toutes qui jouit des facultés les plus multipliées, des sensations les plus délicates, des mou-

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vemens les plus variés, et où l'ensemble de toutes les propriétés parait combiné pour produire une intelligence plus parfaite, plus féconde en ressources, moins esclave de l'instinct et plus susceptible de perfectionnement.'

Every one who examines with attention the various classes of animals, their structure, habits, and peculiarities, must be struck with the perfect adaptation of the bodily powers of all to the situation in which they are placed, to the manner in which they are to live, and the food by which they are to be nourished; and he cannot fail to notice the wonderful manifestations of infinite goodness, as well as of infinite power, that are everywhere displayed in the works of creation. He will perceive, that while some are calculated to live in certain climates, or can subsist during a portion of the year only, that others enjoy a far more extended range, and are wholly independent of the change of seasons; that some, destined to obtain their food by violence, are furnished with weapons of attack and defence, which are denied to those which are not compelled to resort to the same means for subsistence; that while some are fitted to live on one kind of food only, others subsist on that of a different or even an opposite nature; and that man is the only animal who can live without inconvenience in almost every quarter of the globe, and upon almost every kind of food; a proof certainly, that his physical powers are superior to those of the rest of the animal creation.

Our readers may apprehend, that in this long digression, we have lost sight in some measure of the work before us; we can assure them, however, that all the topics we have noticed were suggested by the perusal of the introduction alone, and that we are indebted to it for many of the facts and statements which we have offered. As it would be impossible for us to speak of all the subjects, which are treated in this volume, we think it best to confine what further remarks we have to make almost exclusively to those points, in which our own species is the most interested.

The human race has been divided by Blumenbach into five varieties, to which all the various tribes of men may be ultimately traced. These are first, the Caucasian; second, the Mongolian or Tartar; third, the African, Ethiopian or Negro; fourth, the American; fifth, the Malay.

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First. The Caucasian variety is supposed to have originated in the vicinity of that chain of mountains, which are situated between the Caspian and the Black Seas, and among which Mount Caucasus is conspicuous. This variety is distinguished by the fine form of the head and the great beauty of the features. The Georgians and Circassians are among the best specimens of it. It embraces all those nations that are or have been the most distinguished in arts, arms, learning, science and civilisation. To it belonged in ancient times the Egyptians, Greeks and Romans, and it comprehends at the present day the inhabitants of the whole of Western Asia, of the greater part of Europe, and the descendants of Europeans throughout the world. The principal ramifications of this variety may be distinguished, it is said, by the analogy of language.

Second. The Mongolian variety embraces the inhabitants of the eastern part of Asia, of China and Japan, and those of the northern part of Europe, the Calmucs and others. It is distinguished by a low, slanting forehead, high cheek bones, straight, black hair, thin beard, and olive complexion. Among some portion of this variety a considerable degree of civilisation exists, and no small progress has been made in the arts of life; but everything among them is stationary; no improvement has taken place for ages, and they have hardly in any instance availed themselves of the advances, which have been made in science and the arts in other parts of the world.

Third. The African, Ethiopian or Negro variety is remarkable for its black color, curled hair, flat nose, compressed cranium, and large lips. The individuals belonging to it are nearly all in an uncivilised state, and have an apparent inferiority in intellectual capacity. This may be and probably is the result of accidental circumstances.

Fourth. The American variety, which includes all the original inhabitants of America, except the Eskimaux, is distinguished by no very striking characteristic, either of features, complexion, or language, in all of which there is a considerable diversity among the numerous tribes, which inhabit our vast continent. The color of the skin is usually red, the form of the head and the shape of the face resemble that of the Mongolian variety; the lips however are larger, and the nose

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more prominent. The hair is black, straight, and strong, and the beard is removed, by plucking it out as fast as it appears. Most of the tribes, which belong to this variety, are in a savage or semibarbarous state, and are generally unwilling, when favorable opportunities are presented, to adopt the arts and comforts of civilised life, preferring their own hazardous and precarious modes of subsistence. The Mexicans and Peruvians, however, had made considerable progress in the arts, and seemed to enjoy some of the blessings of civilisation. This variety has some resemblance to the Mongolian; not enough, perhaps, to place them together; but Cuvier doubts whether its character is sufficiently defined and uniform to entitle it to rank as a peculiar race.

Fifth. The Malay variety embraces the natives of Borneo, Java, New Holland, Van Diemen's Land, New Guinea, and the numberless islands of the South Sea. It has no well marked common characters; the various tribes belonging to it differ extremely from each other. Some resemble the African, some the Mongolian, and some the Caucasian variety, and the propriety of ranking under one common denomination, individuals differing in so great a degree, is at least doubtful. Cuvier admits only the three first varieties, leaving it for further observation and research, to determine the claims of the other two.

The whole of this arrangement of Blumenbach must be considered rather as the result of convenience, than of any very obvious necessity, as there is an infinite number of shades of difference among the individuals composing these varieties, and the two extremes of the same variety differ more, perhaps, than some individuals belonging to two different varieties. He considers the Caucasian to be the original stock, which runs into two extremes, the Mongolian on one side, and the Ethiopian on the other; between the Caucasian and Mongolian he places the American, and between the Caucasian and Ethiopian the Malay.

The great diversity in the figure and complexion of the human race early attracted the attention of philosophers, and some doubts were suggested, by those who contented themselves with superficial and limited views of the subject, as to the possibility of such various tribes being the offspring of the same original parents. It was confidently asserted in fact,

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that the whole of mankind could not have sprung from one pair, and that consequently the account in Scripture must either be incorrect or greatly misunderstood. On the other hand it was maintained, that this diversity was entirely the result of physical causes, which had been operating gradually, but uniformly, since the first dispersion of mankind, till they had produced the striking results that at present exist. It was in this discussion that our countryman, the late Dr Smith of New Jersey, distinguished himself by a very elaborate work, in which he endeavored to prove, that the variety was dependent on climate, and this opinion was maintained by those who thought the truth of the Mosaic account of the creation would be called in question on any other hypothesis. All naturalists of the present day, whatever may be the views they entertain of the authenticity of the Scriptures, believe in the common origin of the human race, and thus far at least corroborate the Mosaic account, by a collateral argument of some importance, inasmuch as the investigation has been pursued without any reference to the Bible. They do not, however, attribute the differences that are observable to the effects of climate, and a few considerations will perhaps satisfy most readers, that this cause would be inadequate to their production.*

The color of the negro, for example, must be the result of an original peculiarity of one variety of the human race. It is well known, that in warm climates those negroes, who are exposed to the violence of the sun in the labors of the field, are not as black as those who live in the house, protected from the heat, and who enjoy a more nutritious diet; a fact which is alone sufficient to show, that the color is the effect of a natural secretion, which is promoted by the health of the subject. It is also well known that the descendants of Africans in cold climates, whose ancestors for several generations have resided in latitudes wholly different from the native one of their variety, retain in perfection all the peculiarities of their race. Mr Lawrence, whose opinions have never been suspected of leaning in favor of the Scriptures, and who has acquired an undue share of notoriety for a supposed attack

* Those who wish to examine this subject at length would do well to consult the very valuable and learned work of Dr Prichard, on the Physical History of Man.

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upon them, has summed up the opinions now entertained on this subject, in the following extract, being the conclusion of a very interesting chapter on the Causes of the Varieties of the Human Species.

'The facts and observations adduced in this section, lead us manifestly to the following conclusions. First, That the differences of physical organisation, and of moral and intellectual qualities, which characterise the several races of our species, are analogous in kind and degree to those which distinguish the breeds of the domestic animals; and must, therefore, be accounted for on the same principles. Secondly, That they are first produced in both instances, as native or congenital varieties; and then transmitted to the offspring in hereditary succession. Thirdly, That of the circumstances, which favor this disposition to the production of varieties in the animal kingdom, the most powerful is the state of domestication. Fourthly, That external or adventitious causes, such as climate, situation, food, way of life, have considerable effect in altering the constitution of man and animals; but that this effect, as well as that of art or accident, is confined to the individual, not being transmitted by generation, and therefore not affecting the race. Fifthly, That the human species, therefore, like that of the cow, sheep, horse, and pig, and others, is single; and that all the differences, which it exhibits, are to be regarded merely as varieties.'

There is no subject more curious in Natural History than the instinct of animals, that faculty which enables them to provide for the continuance of their species. It teaches them the best mode of constructing their habitations, of securing them against attack, of preparing them for the reception of their offspring, and of providing food suitable for their nourishment. It differs from intelligence in not being susceptible of improvement; bees, for example, have always constructed their cells with as much ingenuity as at the present day, while man, by the exercise of his reasoning powers, has rapidly advanced in the comforts and conveniences of his habitation. It is impossible that the actions of animals, resulting from instinct, can be the effect of anything like foresight or calculation, because they are performed by every individual in precisely the same way, and it would moreover suppose a much greater degree of intelligence, than any of them possess. The view taken of this subject by Cuvier, in the following passage, has at least the merit of being novel and ingenious.

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'On ne peut se faire d'idée claire de l'instinct, qu'en admettant que ces animaux ont dans leur sensorium des images ou sensations innées et constantes, qui les déterminent à agir comme les sensations ordinaires et accidentelles déterminent communément. C'est une sorte de rêve ou de vision, qui les poursuit toujours et dans tout ce qui a rapport à leur instinct; on peut les regarder comme des espèces de somnambules.'

Besides instinct, animals possess some degree of intelligence; they are capable of being taught, of acquiring respect for those placed over them, and of becoming grateful for kindness. But though much has been said to exalt the intellectual faculties of the brute creation, the least observation is sufficient to convince us, that those which they possess are of very humble and limited extent. The physical force of man is greatly inferior to that of many other animals, and if they enjoyed his mental faculties, even in a small degree, how easily might they counteract his designs, instead of being subjected to his will. Man is the only animal, who possesses to any extent the power of reasoning; he alone is capable of forming comparisons, and of arriving at conclusions from a knowledge of facts. Other animals have the organs of speech in as great perfection, but it is the want of the reasoning faculty that prevents them from constructing language.

Several other subjects have been suggested to us by the perusal of this volume, which we might notice to advantage; and we cannot conclude without expressing our thanks to Dr Ware, for restoring to us a valuable work in an improved form, and one which had become, in a great measure, obsolete and of course useless. All those, who wish to be introduced in an agreeable way to the study of Natural History, will do well to begin with the present edition of Smellie; and we cordially recommend it to the instructers of youth, as a book which combines great accuracy in every point relating to the science of which it treats, written in a pure and perspicuous style, and so arranged, without impairing the value of the work, as to exclude everything not proper to be taught.

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ART. VIII.—*An Anniversary Discourse delivered before the Historical Society, on Saturday, December* 6, 1823, *showing the Origin, Progress, Antiquities, Curiosities, and Nature of the Common Law.* By WILLIAM SAMPSON, Esq. 8vo. pp. 68. E. Bliss and E. White. New York. 1824.

IN this Discourse Mr Sampson has with ingenuity and learning accomplished the plan, which is indicated with so much precision in the titlepage. He sets out resolutely to ascend to the fountain heads of the common law, and explore the regions whence this immense stream derived its original impulse. He takes up the thread of history, and pursues it with diligence and fidelity through the dark places of Druidical, Saxon, and Norman antiquity, and collects in his range such facts as the dim light of those distant ages enabled him to discover. The whole result is not the most flattering to those, who would laud the wisdom of our ancestors, or look back with complacency on their principles of government, as the germs of our present political and civil institutions. And more especially will Mr Sampson's investigations discourage any one, who hopes to find in the twilight of our early history that period, to which Blackstone ascribes the 'pristine vigor' of the common law. The author proves very clearly that it never possessed any such vigor, that it was a feeble, tottering, unstable thing, till the reason, wisdom, humanity, and experience of more modern times gave it the character by which it has been marked in civilised and settled governments. To talk of the *ancient* common law is to give a false name to the bloody codes of barbarians, who were ferocious in their enterprise, savage in their manners, and cruel in the exercise of the power, which strength or crime might put into their hands.

It is the fanciful theory of Sir Edward Coke, borrowed from Geoffrey of Monmouth, that the first laws of the Britons were selected from the laws of the Trojans, and introduced into the island by king Brutus, the great grandson of Æneas. Geoffrey tells us how this Brutus, after having married the daughter of king Pandrossus in Greece, found his way to Britannia, where he conquered the giants that inhabited there,

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killed their king Gog Magog, and established himself as sovereign of the country. 'That the laws of the ancient Britons,' says Lord Coke, 'their contracts and other instruments, and the records and other judicial proceedings of their judges, were wrought and sentenced in the Greek tongue, it is plain and evident by proofs luculent and uncontrollable.' These proofs, however, when examined, turn out to be little else than a passage in Cæsar, supposed by the best critics to be interpolated, in which it is hinted that the Druids used the Greek character. On this apocryphal evidence it is made out, that the common law came from Troy, and was first propounded to the inhabitants of Britannia in Greek. To this tradition about the Greek character, admitting it to be a fact, Mr Sampson justly replies, that 'the Druids using Greek letters no more proved that the ancient Britons pleaded in Greek, than our almanacs being printed in Roman characters prove that their compilers speak Latin.' With this remark the author wisely dismisses the subject of the Trojan origin of the common law.

He pursues the inquiry, however, through all the periods of early British history, and describes the manners, institutions, and prevailing characteristics of the people in the various political changes through which they passed. He speaks of the Druids, their superstitions, barbarous religious rights, and absurd customs. He next comes to what he calls the Roman era, and shows that no records remain of the modes of administering laws at that time, and that these can be ascertained only from scattered allusions in history. Next comes the Saxon period, then the Scandinavian, and last of all the Norman. Each of these is touched upon with as much minuteness as the author's limits would admit, and the materials which he draws from history, in the course of his investigations, are made to bear with force and directness on his subject. Some of the conclusions to which he has arrived shall be expressed in his own words.

'It was my intention here to have pointed out some of the most curious and interesting subjects, connected with the history of our law, but time will not permit. They will present themselves readily to the historian, who shall devote his labors to the useful and honorable task of exploring, with a view to future improvement, the true foundations of our law. And let none be deterred by the

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supposed dryness of the subject. The historic muse is not austere, except when dulness woos her; invoked by genius, she gives to the coldest subjects warmth and animation. And as the geographical historian is not content to determine the depth of the valley, or the height of the mountain, but enriches his works with moral instruction, by the history of the human beings, who lived, and roved, and worshiped and fought, and flourished and fell, by the mountain's side, upon the verdant plain, by the river's bank, or the wide ocean wave; so the historian of our law, derived as it is from such an ancient and a distant source, will find his subject abounding in those changeful events, metamorphoses, and transitions which impart to real and most important history, all the high charms of poetry and fiction. Whilst fancy roams at large through time and space, and "distance lends enchantment to the view," reason will knit the chain that binds effect with cause, and judgment will approve the generous design.

'This discourse is but a short prelude, to challenge into the noblest field of exertion the talent and genius of our country, much of which is now lost in barren erudition. If the hundredth part of that painful industry and acknowledged talent, which is wasted upon vain and ever baffled efforts to reconcile the irregularities, explain the anomalies, sustain the paradoxes, and solve the riddles of our entangled jurisprudence, was bestowed upon a science capable of improvement or advancement, what glorious fruits would it not, e'er now, have brought forth, instead of that sickly and exotic growth, that has no sap nor freshness; upon whose withering branches some faint pale blossoms may appear, but rich fruit cannot ripen. We should have had laws suited to our condition and high destinies; and our lawyers would have been the ornaments of our country. No longer forced into the degrading paths of Norman subtleties, nor to copy from models of Saxon barbarity, but taught to resolve every argument into principles of natural reason, universal justice, and present convenience, truth would have been the constant object of their search; chicane and pettifogging would have found no dark crevices to lurk in; bad faith would have been banished from the temple of Justice; good sense would not be shocked with the failures of right, upon exceptions of idle and unmeaning form; and Justice would not be seen for ever travelling upon bypaths, such as necessity enforces by the sides of a broken road.' p. 51—53.

The author indulges in pleasing anticipations of the benefits, which our own country is likely to derive from the common law, when it shall be divested of its Gothic costume, and be made to wear an aspect suited to the genius and progress of a free government.

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'It is the meagreness and insufficiency of this ancient stock, that has obliged judges to legislate *pro re nata*, upon every new point. It is the complication of these stinted usages with the perverse intricacies of the Norman jurisprudence, that has made decisions less wise than if their authors had been more free to follow the dictates of their own good sense, or less restrained by the antisocial spirit of the common law, from resorting to universal principles, and to codes of approved and written reason. The colonial laws, and the constitution and statutes of the state, have successively pruned the exorbitancies and strange peculiarities of the English jurisprudence; and it is therefore, that the decisions of our judges, due regard had to their personal merits, stand so far above those which we import. It is for that reason also, that we should import no more; for with every deference due to the learning, wisdom, and integrity of English judges, they are not fit persons to legislate for us. If we are indebted to them for much good learning, it is more becoming to pay them back with interest, than run deeper in their debt. Dependence can never cease if one nation is always to teach, and the other always to learn. Our condition is essentially different from theirs. They are appointed by a king, and he is the fountain of their justice and its administration. Some of them are stationed at Westminster, and some are supposed to follow this moveable fountain wherever it shall be. Must we too follow? Must we tread always in their steps, go where they go, be what they are, do what they do, and say what they say? Too much of this sympathy may endanger our very being. If we can only be wise when they are wise, we must also be foolish if they are foolish, doat when they doat, and die when they die.' p. 57, 58.

After showing how inconsistent it is in a land of freedom to adopt the old usages and laws of despotic countries, and to chain the spirit of justice and liberty with the fetters forged in the darkest days of oppression and wrong, the author proceeds.

'It may be asked, Why this censure upon our ancestors and upon their usages, and whether there is any code for which we would exchange our law. I answer; as to our ancestors I hold them all in equal honor, and treat them better than they have done each other. I would not ruffle a feather in the cap of any of them; but it is no disparagement to say, that they were barbarous in times of universal darkness. And as to our laws, it is one thing to change, and another to reform them with a tender, patient, kindly, and experienced hand; and God forbid they should be touched or meddled with, by any other than the wise and honest.

'Our law is justly dear to us—and why? because it is the law of a free people, and has freedom for its end, and under it we live

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both free and happy. When we go forth, it walks silent and unobtrusive by our side, covering us with its invisible shield from violence and wrong. Beneath our own roof, or by our own fireside, it makes our home our castle. All ages, sexes, and conditions, share its protecting influence. It shadows with its wing the infant's cradle, and with its arm upholds the tottering steps of age. Do the smiles of the babe give gladness to the mother's heart, her joy is perfect in the consciousness that no tyrant's power dares snatch it from her arms; that when she consigns it to repose, its innocent slumbers are guarded by a nation's strength, and that it sleeps more free from danger than kings amidst their armed myrmidons. And when life's close draws near, we feel the cheering certitude, that those we love and leave shall possess the goods that we possessed, and enjoy the same security in which we lived and died. But that we are indebted for this to Saxon, Scandinavian, Gaul, Greek, or Trojan, is what unsophisticated reason will not endure. We owe it to the growth of knowledge, and to the struggles of virtuous patriots, many of whom have bled and died for it; we owe it to fortunate occasion and favoring providence. But even this part of our law which thus secures our rights and liberties, is not untainted with pedantry, nor free from all absurdity. A sister state has already set on foot the experiment of a penal code, and committed its execution to the hands of one of its most capable citizens. Let us hail the happy augury and prepare for a still nobler effort, which imperious necessity will force upon us, and which cannot and ought not to be long delayed.

'If the experiment had never before been made of a judicial code, substituted in the place of antiquated legends, usages, and customs, we might fear to engage in an untried and hazardous undertaking. If no attempt had ever yet been made, to reduce to a body of written reason, the scattered fragments of a nation's laws or usages, or if when such attempts were made, disorder and mischief had constantly ensued, we might take warning from such examples. If no wise jurists had ever recommended the digesting and new ordering of the law, there might be temerity in the proposal; but Hale and Bacon have not only approved, but offered their views and plans. And are not our own written statutes periodically revised; why not that part of our laws that rests upon less solid evidence? It has been the first glory of the greatest sovereigns and the best policy of the wisest people. The most celebrated lawgivers have travelled into all regions where early civilisation had left its luminous traces, to gather the chosen flowers and fruits of every clime. If the fathers of our revolution at the peril of much more than life, of all the vengeance that offended power can visit on the unsuccessful patriot, dared to uproot the three great pillars of the Common Law, the monarchy, the hierarchy, and privileged orders, shall we

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stand in superstitious awe of unlaid spectres, shall we still be amused by nursery tales, and tremble at the thoughts of innovations upon institutions, which their admirers themselves assimilated to the practices of the Gentoos, the Mexicans, and the children of the Sun?' p. 59—62.

From these specimens, selected from Mr Sampson's discourse, our readers will be able to form an opinion of his habits of thinking and style of composition; and few, probably, will consider it matter of regret, if it should be discernible from these and other parts of the performance, that they partake of the character of his native country, and of the enthusiasm, which a no distant epoch in her history has called into full action. If we have been rightly informed, the author of this discourse was neither an indifferent, nor disregarded spectator of the events to which we allude. While America is free, she will never cease to remember and lament the wrongs of Ireland, nor to respect and cherish those of her sons, who have suffered in the noble though ineffectual struggle to break the rod of oppression, and throw off the burden of servitude. It is not impossible that events of the writer's life, operating on a warm and generous character, may have biassed his opinions, or at least impressed them on his mind more deeply, and wrought them into principles of increased strength and energy. Be this as it may, we estimate highly his learning and genius, we approve for the most part the views he has taken of an important subject, and admire the generous zeal with which he has thrown himself into the front ranks of those, who contend for the cause of truth and reason, with little chance of present honor or success.

Availing ourselves of the information derived from Mr Sampson's discourse, we here take occasion to offer a few remarks of our own, both in regard to the causes, which keep back the progress of the law more than other sciences, and to the means by which this progress may be hastened.

Some of the circumstances, which have retarded the improvement of the law among us, seem to be of a more accidental nature than others; and to encourage us with the hope, that they will in some considerable degree be removed by the progress of time and increase of wisdom. One of these circumstances is, that in this country, and in that from which we derive our legal institutions, the law is *artificial and*

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technical to an extent very much beyond what is required by the reason or nature of the case. This remark, so far as it includes the principles of the common law, is applicable to England and to all the states of this Union, which have adopted the common law, but so far as it relates to the *practice* of the law so called, or to its modes and forms of proceeding, it is applicable only to England, and to such of the United States, probably a small proportion of the whole, as have adopted in mass the English practice of the common law.

This extreme artificialness, and technicality of the English common law, both as to its principles and its practice, distinguishes that system very broadly from every other. This distinction is remotely analogous to that which exists between the syllogistic mode of reasoning, and the ordinary style of argument in which a plain man would press his conclusions. It would be an interesting and instructive inquiry, to trace this peculiarity through some of the leading features of the system, such as the distinction between sealed instruments and those not under seal, the refined doctrines relating to real estates, the forms of actions, the niceties of special pleading, and the rules of practice as they exist in England. A strict research and close analysis directed to this subject would render it very evident, that these peculiarities are not usually, nor perhaps ever, the result of prospective wisdom. Their origin will be found in the history of the times, and in the particular states of society in which our English ancestors were placed. Since those periods the condition of the people has undergone a change almost radical, but the laws have not experienced a correspondent revolution. Lands in this country and in England are nearly as much the subject of traffic, as the public stocks, and yet the *theory* of the law of real estate is almost as feudal as it was in those times, when resort was had for national defence, not to the monied sources of the country, but to the lands which were held on the condition of performing military service. Society has grown and spread in every direction; wealth has increased to an immense degree, and its nature changed by the disproportionate increase of personal property; occupations and interests are in a thousand ways extended and diversified; but all this has been done silently and gradually; there has been no revolutionary period, no crisis, no epoch when the

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community, finding itself thrown into new circumstances, was obliged to cast about for new rules or principles to guide it in the emergency.

The lawyers and judges of the common law were not in advance of the age; they did not perceive the alteration, that had begun and was going on in the structure of society; on the contrary, they strove to apply old rules, with which only they were acquainted, to new relations and new things. In addition to this, and cooperating with it, was that love of quaintness, refined reasoning, and fanciful analogy, which characterises the early stages of civilisation. It was necessarily the combined effects of these circumstances, and of others not here enumerated, to give to the law in the progress of time an air of mystery, inasmuch as its reasons and principles were not to be found in the existing state of things, and its practice was unintelligible, having reference to institutions which had passed away. It has been asserted, that all knowledge is so intimately connected, that from any one truth almost every other might be deduced. This is probably extravagant, but it certainly is true, that the law, which regulates the rights of property, and prescribes rules of action to the whole mass of the people, bears a very strong affinity to most other species of knowledge, and especially to general intelligence; and yet the common law has been nearly excluded from the beneficial influence of those causes, which have elevated and improved the intellectual condition of the community.*

We now approach with due caution the separate consideration of an important part of this subject, and that is the *veneration and obedience paid to authority and precedent*, which prevail in our system of law in a much greater degree, than in most other departments of knowledge, or spheres of action. The principle on which this veneration is founded is universal in our nature, and of most salutary tendency. Without it all ancient wisdom would be useless, and uniformity

* In the time of Cicero a few months' study was thought sufficient to render a young man, otherwise well instructed, a sufficiently accomplished lawyer. That the magnitude of this task is so much greater among us, is no doubt in the main to be ascribed to the different state of society, and the more perfect protection of rights; but one cause of the difference is certainly to be found in the extreme technicality of the law, to which we have above alluded.

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would be lost in wild confusion. The inquiry of the enlightened jurist and legislator should be, how far any interference with it in relation to this subject is desirable or safe; and how far this principle should be permitted to restrain the operation of others, which are perhaps equally essential to the happiness and glory of the country?

The foundation of the English common law is *authority*, that is, the *dicta*, or *sayings*, and the decisions of the Judges, handed down from the earliest time to the present, each successive decision being, or being supposed to be, founded on some preceding adjudication, or at least but a new application of a principle already established. This is the theory of the common law, and the practical deviations from it have been rare and slight. The maxim is *stare decisis;* and no argument *ab inconvenienti*, that is, showing the mischievous nature of a principle, is permitted to be urged against a positive decision. Whatever has once been clearly settled, by a competent tribunal, is not again to be drawn into question before a judicial forum, and, if wrong, it can only be corrected by the omnipotence of legislative authority.

There are specious and weighty reasons for this principle. We are told, and truly, that, with regard to a great number of legal questions, they are not subjects of ethics, that there is no right or wrong in the case, but what is made by the law; that it is more important that the rule should be known than that it should be right, for otherwise there would be no guide to conduct, or security in property; that there is no safeguard against judicial tyranny and corruption but in the immutability of the law; and, in short, that innovations are dangerous, and it is most safe and wise to suffer things to remain, as they have been settled by the wisdom and toil of the ancient sages of the law. A sufficient degree of weight, at least, has been practically allowed to these and similar considerations; and we shall hastily state some of the reasons, which have inclined us to this opinion.

The first remark which arises, is, that this is not the course in which analogy would lead us. Not only in the pure sciences, but in metaphysics, politics, political economy, medicine, and literature, the time has passed, or is rapidly passing, when the question was not what is true, or just, or excellent, but what has been declared by the wise, the ancient, and the

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men in authority. In every other branch of human inquiry and intellectual effort, it has been found, and is now for the most part admitted, that the veneration for authority has been one of the principal barriers to human improvement. Rash innovation has indeed been productive of enormous evil; but in its own nature it is conspicuous, and excites attention, and having every habit and tendency of society to oppose, and nothing to favor it but its own merit, it is quickly discarded if found pernicious. This is so true, that many important discoveries and improvements have often sunk under the shock of opposing prejudices, and have again been revived with the happiest effect in after times, and under circumstances more propitious. Disregarded millions have pined and perished under the chains of habit, prejudice, and authority, while there have been comparatively few victims of enticing novelty; but as the fate of these latter has been more marked, it has alone been pointed out as the beacon to alarm. New opinions are often visionary, and introduce confusion, but what have these done compared with the tyranny of the Aristotelian system? The French revolution, the most tremendous innovation which ever convulsed the established order of things, was indeed a moral Vesuvius, but already its fires are extinct, and its desolating lava has mingled with and fertilised the soil. What is that compared with the unvarying despotism, and the changeless casts of the East, where every effort of the intellect, and every impulse of the heart, is repressed not less by the tyranny of custom, and ancient and venerated usage, than by the sword of power.

This excessive veneration for authority binds one age in the chains of another; it tends to preclude improvement. The very idea of improvement is to discover and put in use something better than what has hitherto been known, whereas, the principle upon which the law is administered is to repress all innovation, and to ascertain and declare precisely, what our ancestors would have declared in a similar case. This is reversing the proper and natural order of things. The world, as it grows older, in the ordinary course grows wiser, and ought to put away as childish, some things which are fast passing from the ancient and venerable, to the absurd and ridiculous. Society has grown and spread in every direction, and the garments of her youth would but serve as ligatures to repress and distort the growth of her riper years.

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It is not a decisive objection to the English common law, that it was the creation of accident, and not of prospective contrivance. On the contrary, a body of laws expanding with the increase of a country, yielding to new exigences as they arise, and adapting itself to them, refining and improving as society advances, would, in all probability, form a system infinitely better adapted to use, than any that could be struck out at a heat by the most enlightened jurist, or set of jurists. An eminent instance of this is the trial by jury, the boast of the common law, and which nothing should ever induce a free country to relinquish. The trial by jury is the result of accident, by which we mean only to say, that it was not originally instituted with a design to answer its present uses; and if the only object were to provide a tribunal for the intelligent investigation and correct decision of civil controversies, it would not seem a peculiarly felicitous contrivance to select by lot twelve men from the mass of the community, not to form a permanent body, so that they might profit by experience, but merely to decide a few causes, and then to return immediately to their ordinary avocations. But the evils, which might be apprehended from a tribunal so crude and evanescent, are much modified by methods introduced by time and experience, and are infinitely outweighed by its solid benefits, by the protection of the subject against power, by the check interposed to judicial encroachment, and, above all, by the elevation conferred on the great body of the people, by making them conversant with the administration of justice, and partakers in it. We should be among the last to undervalue institutions which, whatever might be their origin, and whatever theoretical objections may be urged against them, have been thus happily applied, and have been matured and perfected by time. But in regard to the English common law, the misfortune is, that time and the advancement of society have not uniformly been permitted to produce the beneficent effect, which they would have done, but for the intervention of artificial barriers.

This remark may be illustrated by an instance, which we are happy to admit is probably more striking, than any other that could be produced. In ancient and barbarous ages some controversies were settled by judicial combat, or personal contests between the parties. The superstition, which then

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sanctioned such a procedure, and rendered it preferable to anarchy, has long since passed away, but the law was not altered until very recently. The following language was held by Lord Ellenborough, in the case of Ashford *v.* Thornton, in the year 1818, reported 1 Barnewall & Alderson, 460. 'The general law of the land is in favor of wager of battel, and it is our duty to pronounce *the law as it is*, and not as we may wish it to be. Whatever prejudices, therefore, may justly exist against *this mode of trial*, still, as it is the law of the land, the Court must pronounce judgment for it.' In that case, if the heart of the plaintiff had not failed him, the Judges must not only have awarded the trial, but, if we recollect rightly, must themselves have superintended it in their robes of office.

It would be unfair to press an objection of this description against an ancient system, if the rigid principle of adherence to precedent only manifested itself in a few rare and extravagant instances, of the nature of that which we have just cited. But the truth is not so. Large portions of the law receive their character from this principle, and it is to a great extent infused into the whole mass. The English common law relating to real estate is chiefly founded on the feudal tenures, by which lands were first allotted to the military men according to their rank or services, and were by the polity of the times subsequently regarded as the foundation of the national defence. The whole system is exceedingly confused, complicated, and uncertain. The practice under it in England, and in those states of this Union, which have adopted the English practice, is still worse. Such was the inextricable involution of the subject, that it was found or supposed impossible to provide a clue to the labyrinth. In this predicament the lawyers resorted to a fiction, an expedient not unfrequent in every artificial system. They contrived the action of ejectment, which Blackstone terms a useful and 'elegant' fiction. Its elegance is matter of taste; its utility consists in furnishing some escape from forms and principles, which were in ruder ages adapted to the state of society, but which political changes had rendered unable longer to be endured.

It is a truth, which our unskilful readers will hardly credit, that in England and in many of the United States, there is not *in common use* any mode of ascertaining by a definitive judicial decision, which of two claimants has the best title to a con-

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tested estate. The usual resort is to the action of *ejectment*. A and B contest the right to a house and five acres of land. One would think that this matter might in ordinary cases be decided without any great difficulty, in a suit brought directly by A claiming the land against B in possession of it; and that this simple conception of the matter is not a visionary theory, but quite practicable, is abundantly proved by the actual experience of several states of this Union, which, in the ignorance of early times happily *forgot* the difficulties and impediments, which the action of ejectment was contrived to obviate. But in England the feudal theory is to be preserved, or, if this be not entirely practicable, appearances are to be kept up, which will disguise the departure from it. The title itself cannot therefore be tried, but the claimant makes, or rather is supposed to make, (for all is a fiction,) a lease of the premises for a term of years to John Goodright. Goodright then sues Thrustout for this injury, declaring that he has been violently dispossessed of one hundred acres of arable land, one hundred acres of wood land, one hundred acres of land covered with water, &c. Thrustout being, like Goodright, a nonentity, the plaintiff's attorney in his name writes a letter to the defendant informing him of the existence of the suit, of which he might otherwise be ignorant, and advising him in a very friendly manner, that unless he appears and defends it, judgment will go against him by default. The defendant then comes in, and is forced by the court to admit the lease made to Goodright, and that he has been turned out of possession of the premises, but says, nevertheless, that *he* is not guilty of the trespasses alleged against Thrustout. The cause is then tried. If the jury considers the plaintiff entitled to the whole, *or any portion* of the contested premises, they find the defendant guilty. The plaintiff then takes out a writ of possession, and takes possession of the whole five acres, or so much thereof as he may think proper. An indirect and expensive proceeding is instituted against the losing party to compel him to pay the costs, and as soon as these are paid, nothing whatever appearing by the record to have been settled in relation to the title to the land, he can, in his turn, institute a new suit against his antagonist in which Messrs Goodright and Thrustout will change sides, and thus the controversy may be renewed and carried on *ad infinitum*,

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or until restrained by the tardy interference of a court of Equity.*

There is a period in the history of every country advancing from barbarism to civilisation, when it is peculiarly unfit that the ideas then prevalent should be indelibly stamped upon the fabric of society. It is that point of moral and intellectual progress, when what is easy, free, and simple does not suit the taste; when cunning is preferred to wisdom; knowledge degenerates to artificial logic; and energy and nature give place to conceit, quaintness, and affectation. Such were the times when the rules of logic debarred the exercise of reason; this was the era of the school divinity; and, if the very truth were told, it had not wholly passed away when our present legal precedents were set. It would require no great aptness in the discovery of similitudes to find the likeness between Coke and Cowley.

The idea we would communicate, so far as it relates to our present subject, may be best illustrated by an example. The laws governing real estate are mostly the contrivance of an astute age. Nothing is, in its own nature, more simple than the ownership of real property, which is permanent in its nature, and always subject to the apprehension of the senses, and yet subtilties, quibbles, refinements, and false analogies, have been introduced into it to such an extent, that it can excite little admiration except in the eyes of a thorough bred common lawyer. Compare this with the law of marine insurance. Almost its whole growth and development have occurred since Mansfield ascended the English Bench, and it is needless to say, that it excels the law relative to real estate in wisdom, as much as it falls short of it in cunning and ingenuity.

The extremely artificial nature of that part of the common law, which treats of real property, has produced its necessary effect, immense litigation. Of this every one must be aware, who is conversant with the English books of reports. To

* The theory of the action of ejectment is so scrupulously preserved, that in a recent case it was solemnly decided by the court of King's Bench in England, that a release of the action by the lessor of the plaintiff the real party in interest could not be pleaded; no one could release the action *but the plaintiff himself.* The defendant therefore not being able to produce the release of John Doe, (who answers to Goodright in the case above supposed,) was deprived of his defence. *Doe v. Brewer*, 4 *Maule and Selwyn*, 300.

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show that we are not striving to exercise a wanton ingenuity, by urging objections against established institutions, which, however true in theory, have no practical influence, let it be remembered, that in France, where the civil law is adopted, lawsuits relating to the title of real estate are very infrequent, and scarcely bear any assignable proportion to those, which are litigated in the English courts. This fact affords a fruitful theme for reflection and inference.

But the stability of a fixed system, the alleged certainty of the law, is maintained to be a sufficient counterpoise to every objection, which can be raised by the caviller. The certainty of the law is a phrase, which, it is feared, will be scarcely intelligible to any but the initiated. We may talk of the law as an allegorical personage in terms to suit our own fancies, but the simple truth is, that the law, or to speak with greater precision, the judicial opinions of those, whose province it is to pronounce its decrees, is notoriously, and even proverbially *uncertain*. Many reasons may be assigned why it must always remain so. The question which now concerns us, is, whether an extreme deference to precedent and authority does not rather increase than diminish this uncertainty? The main object of the certainty of the law is, that the citizen may have before him a plain rule as a guide to his conduct, and protection to his property. As he cannot be an adept in legal lore, he necessarily must and will judge by the propriety, reason, and nature of the case, and this he will do, although an unbroken series of decisions, from the year books to the last term of the Supreme Court, have established a doctrine diametrically opposite to that, which his natural understanding has suggested to him as the true one. Of the decisions he never heard; the common sense of the case appears to him plain. Or it may be, that the law recognises the propriety of the object he has in view, but has prescribed as necessary to its successful accomplishment certain forms or modes of expression, which would never suggest themselves to his unaided intellect, or, if they did, which he would understand in a sense far different from that affixed to them by the law, and which, therefore, he will be sure to disregard. Let this be illustrated by one or two examples.

The law once decided, in conformity with the etymology of language, that a covenant to *repair* a building, or tenement,

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was a covenant to *rebuild*, and enforced the performance of the covenant in case of accidental destruction by fire or otherwise. The meaning of the term, in ordinary language, has since changed, but there has been no change in the construction of law, and the consequence is, that persons have gone on, year after year, for hundreds of years, and will doubtless persevere for hundreds of years to come, to subject themselves to a very serious liability of which they have no previous conception.

Again, a man devises his real estate to his brother John, but, if he *dies without issue*, then to his brother James. This is a natural disposition of property, intended to correspond to a probable event. But the law once said, and therefore will always say, that 'dying without issue' does not mean, what every man but a lawyer understands it to mean, dying childless, or without issue at the time of his death, but that it has relation to '*an indefinite failure of issue*,' that is, to some remote future time, when, in the lapse of ages, all the descendants of John may be dead, and his race extinct. The law then says, and very justly, if the premises were just, that this would be an attempt to create a perpetuity, and is unlawful as being against public policy, and, therefore, the devise to James shall wholly fail, and John shall have the estate absolutely. This is one of the many refinements, which will never be comprehended by plain men, and which not one of ten practising lawyers does or will understand. Wills, therefore, will continue to be made in contravention of this rule, and controversies and lawsuits will arise for centuries to come, which might be prevented, if the law, relaxing a little from its vaunted inflexibility, would conform its rules to common sense, common apprehension, and the inevitable variations of language. We do not mean to imply by these statements any censure on English or American judges, for their obedience to authority; on the contrary, it was inevitable from the nature of the system. To judges of inferior tribunals any other course was plainly impossible. Our object is only to show, that the community is not under the same obligation with those, who hold judicial stations, to follow in the steps of their predecessors. Legal reformation is not within the province of the judge, but, believing reform to be expedient, we would urge, as one reason in its favor, the propriety of relieving

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judges from the obligation now imposed upon them of obeying precedents not consonant to the spirit of the age. Their situation is one of peculiar difficulty, and often subjects them to the influence of conflicting inclinations, if not of opposing duties. In some circumstances, intellect is inevitably an insurgent, and there is a natural struggle of the mind against absurdity and wrong, which will influence juries and even judges to escape, when they have any tolerable pretext, from arbitrary rules which work injustice. The slightest variation of terms, without varying the sense, is permitted to alter the legal result. As in the case above supposed, if the expression be, that if John dies without *children*, or without leaving issue *behind him*, then the estate shall go to James; in these cases effect will be given to the devise, and James will get what the testator designed he should. But who does not see, that the intention of the testator was the same in both cases. These groundless distinctions are the necessary result of an erroneous rule, and the law books are full of cases to show, that there is no circumstance or variation of expression so slight, that such a distinction will not be sought to be founded upon it. In these cases no one will doubt, that a change in the law would increase its clearness and certainty, and indeed it is quite evident, that so long as the struggle between precedent and reason shall continue, legal opinions must be dubious to a perplexing degree, inasmuch as the result in any given case will depend more on the character and turn of mind of the judge, who is to decide it, than upon any general principle.

The binding authority of precedent is sometimes relied on as a safeguard to judicial integrity. It is of little value for such a purpose. Let us secure, without regard to party notions, the services of men of talent and reputation for judges, and those, together with independent stations, honorable support, and the watchfulness of an enlightened bar and public, are the only real securities for judicial integrity. Trust must be reposed somewhere; and if the bench be thus constituted, it will be the safest depository of power. If judges may be supposed to be in fact corrupt, the slender web of authority and precedent is wholly insufficient to restrain them. These, now so powerful, would burst at once before a man determined on his object. A specious pretext could never

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be wanting. Scarcely any doctrine can be advanced, or decision made, to which an ingenious man cannot give the color of respectable authority. Ancient cases and precedents would be roused up, like so many sleeping lions, to destroy the innocent and unwary. A violation of truth, reason, and justice, would be as palpable and easily detected, and as surely repressed and defeated, as a violation of precedent and authority, when the records of the law present so many varying and contradictory opinions. If, for the honesty of our judges, we must trust to coercive authority, it surely on that account alone would be advisable to resort to a written code, where, if it provided for the given case, the only question would be, as to the construction of the code itself, and one authority could not be balanced against another.

When the law shall have become thoroughly conformed to the spirit of the age, authority will become of double value and efficacy. Decisions, which approve themselves to the reason and the conscience, have much greater weight, than those which oppose them. If the direct road be also the most beaten, there will be little temptation, and no apology, for turning into devious paths; but if the prescribed way be circuitous and illconstructed, there will always be apparent cause for striking into some other route.

All the states of this Union, which were British colonies, that is, all the original states, adopted the English common law, and the greater part of them, the English statute law in mass. This was natural and proper; indeed, under the circumstances of the case, it was inevitable. They knew no other system of law, and they could practice no other. It was intimately connected with all their habits and institutions, and it is not too much to say, that the moral impossibility of changing by an act of national volition, or legislation, the established jurisprudence of a people, is as certain as the physical impossibility of changing the great geographical features of the country they inhabit. All revolutions in matters, which affect the great mass of society, to be salutary, must be gradual. The reason is obvious; the question is not what is speculatively best, but what is known and approved, what is generally understood and can be put in practice. The habits and manners, the existing opinions, and the laws which are founded on these, cannot be changed by any power short of

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despotism, and despotism itself has often failed in the attempt. Time is the only reformer. The expansion of a country, the increase of its wealth, its foreign and domestic intercourse, its new acquisitions moral and physical, the new relations into which it is thrown, and the changes consequent on these, all tend to produce a revolution in its jurisprudence, and nothing else can or ought to produce it.

Because changes should be gradual, it does not follow, that there should not be some periods in our progress, or *epochs*, when we should pause and look about us to ascertain what changes have been effected by the operation of time and new circumstances, and what further changes are clearly indicated as expedient by the course of things, and the new lights which have fallen upon us. In this way only can experience and 'the wisdom of our ancestors' be turned to good account. It is a truth that many will never learn, that mere *duration* is not experience, and that experience, to be of any value, must include observation and comparison at least, if not experiment.

We trust that nothing which has been said will be construed into an attack upon the common law. If we were compelled to make a selection among all existing, or known systems of jurisprudence, we should certainly decide in favor of the common law. Our chief reason for this preference would be, that it is the law of freedom. But being sovereign States we are not bound, nor is it wise to adopt, in mass, and without distinction, the jurisprudence of any country. The question rather is, whether these United States, or some of them, have not so increased in magnitude, whether their institutions, mode of society, tenure of property, and, in short, all their relations and their whole character, have not become so materially different from those existing in England, or rather from those which did exist there, when the foundations of the common law were laid, that the change and alienation, which have thus resulted, ought not to be formally recognised; whether we have not derived all the aid we ought to expect from the land of our ancestors; whether any farther servile dependence on a foreign country does not rather tend to retard than promote our advancement; and lastly, while we pay to England all due courtesy and respect, not only as the land of our fathers and the abode of our brethren, but also as the

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freest, the wisest, and most illustrious European nation, whether we should not, nevertheless, declare a final separation, not a nonintercourse, but an independence in jurisprudence, as really and nominally absolute, as it has long been in point of political sovereignty?

We anticipate the inquiry, to what does all this discussion tend? It is useless to point out evils and imperfections, unless a remedy be suggested; and what remedy is proposed?

To this it might be sufficient to answer, that we are not bound to indicate any specific course to be adopted in preference to all others; that it is of great consequence to ascertain and point out the existence of the evil, to excite attention and stimulate inquiry; that the effect of examination and discussion must be enlargement of knowledge, and this can hardly fail to lead to practical results. There is no imperious necessity for any violent or hasty measures. The yoke is heavy, but not galling; our ancestors and ourselves have worn it so long, we have so adapted ourselves to it, that we are scarcely conscious of its weight. Above all, let nothing be done in a spirit of haste or impatience, from national vanity, or any wild theories of perfection. We are therefore well content to forego the glory of being ourselves reformers, and to leave to posterity the honor, which must at some time result from the performance of this great work, ever bearing in mind, that whenever a prejudice is destroyed, one obstacle is removed from the path of improvement, and whenever a just opinion has been canvassed and established, a post has been gained and fortified in the march of mind.

Farther than this we are not bound to go, and here we might close this article; but as in truth our inquiries have not stopped here, we have no reluctance to state the result to which our minds have arrived; and in so doing, no merit is claimed for originality; the proposed remedy is not a novelty in speculation or practice; it is obvious, and has been frequently recommended, and, as we believe, is the only remedy which can be applied with success. We would then suggest the propriety, that at least some of the larger and more wealthy states of the Union should cause their laws to pass under a general revision, and to be formed into *written codes*.

We shall briefly state in what manner we think a code ought to be formed, and shall then leave the suggestion to

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make its own impressions on our readers, adding only a few remarks to prove its utility, and to remove objections.

In the first place, nothing should be done in times of political excitement. There should be no mixture of party spirit in this great work. Some of the states have incurred disgrace by the laws, which they have passed under the influence of faction, and still more deeply by the men that have, from a like cause, been appointed to judicial stations. But there is no reason why, in a propitious calm like the present, when there is nothing within or without to distract our attention, or to give an undue bias to our efforts, there is no reason why, at such a period, we should not subject our jurisprudence to a revision more extensive and elementary than it has hitherto undergone, and bring about a revision of the laws, which should include the unwritten or common law, as well as the statute law, which is now in many states frequently, and in some of them periodically revised.

The first apprehension which will strike some minds at such a proposition is, that everything will be thrown into confusion; that all the elements of jurisprudence would be confounded and remodeled; and whatever might be the theoretical beauty of the new structure to be created from the ruins, it would be wholly untried and experimental, 'unsafe to touch and insecure to stand on.' We have no such apprehensions, nor need any entertain them if they will but reflect who are to be the principal actors in this revolution. They would be chiefly lawyers, and common law lawyers, for we have scarcely any other; men whose minds had been cast in the moulds of Littleton, Coke, and Blackstone. They would also be grave and experienced men, for none but those who had attained a high station in the profession would be entrusted with such a task. The danger would, in truth, be the reverse of what is apprehended; the reformers being acquainted with the English common law, and none other, and all their habits, ideas, and associations being connected with it, the probability is, that their views would not be sufficiently large and liberal, and that they would be governed too much by the bias and prejudice of their education. Has not the fact been found to correspond with these suppositions? Have not our lawyers, and judges, and legislators ever shown a disposition to retain many parts of the English system, which

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are alike incompatible with the present state of knowledge, and with our institutions? Our poor laws have been enacted in conformity to English notions. We have reenacted their usury laws. Their laws against the combinations of mechanics to obtain advanced wages from their employers are adopted in these democratic states. We have no time to pursue this branch of the subject farther. The preceding part of this essay has been written in vain, if it has not shown the prevalence of fixed ideas and principles in regard to all matters of jurisprudence, and that there is little danger of rash and unnecessary innovation in our laws. Indeed, a thorough bred lawyer *cannot* be a great innovator; his mind is saturated with the system, and he cannot wash out the tinct; his thoughts have all travelled in a certain round, and they cannot break out into space.

It is often urged, and with great sincerity, that the proposed remedy for the multiplicity and uncertainty of the law would be unavailing. It is said, and no doubt truly, that if a written code of the laws were prepared with the greatest care and ability, there would still be many lurking ambiguities; that new cases and new difficulties would arise; that comments would shortly be appended to the code; that these comments would themselves form the basis of fresh annotations; that different opinions would be entertained of the meaning of the code itself, and conflicting decisions made thereon, and thus in a short time there would grow up a mass of authority and adjudication, as ponderous and oppressive as that from which we now seek to be relieved; and, finally, that all expectations of reducing the law to a state of simplicity and certainty would prove fallacious. We admit that there is much truth in this. We have no expectation that the law ever can be reduced to a state of simplicity and certainty. On the contrary, it is in its own nature, and must ever remain, to a very great and inconvenient extent, complicated and uncertain. It is for that very reason, that it is all important to reduce the subject within as manageable a compass, and to as great a degree of certainty as possible. That there are trackless forests, and undiscovered regions, is no reason why the known and cultivated parts of the country should not be surveyed and reduced to orderly arrangement.

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The multiplication of reports, emanating from the numerous collateral sources of jurisdiction, is becoming an evil alarming and impossible long to be borne. It has of late increased enormously in every mode of increase; the establishment of new tribunals; the increased habit of reporting; and the prolix method adopted by the reporters. All these reports are considered to be entitled to respect in a greater or less degree, and they come upon us from every quarter in an overwhelming flood, intermingled with digest, compends, and essays, without number. Such has been this increase, that very few of the profession can afford to purchase, and none can read all the books which it is thought desirable, if not necessary, to possess. By their number and variety they tend to weaken the authority of each other, and to perplex the judgment. No system ought to be adopted, which should prevent our searching for the lights of jurisprudence in every quarter whence a ray can be derived, but we surely may avoid something of the perplexity and confusion of false lights. If all the existing sources of information were explored, and a digested system of law extracted from them with great care and judgment, much might be accomplished, although many errors were suffered to remain. We should not have a perfect code; new cases would arise, that could be referred to no settled principle. But this merely shows the imperfection of all human things, and the infinite relations of human life; it does not show, that an immense mass of doubt and error would not be removed. We should avoid to a great degree the weighing and balancing of opposing decisions, and conflicting analogies. The code, so far as it professed to proceed, would be decisive. Many reason as if we could gain nothing, because we cannot settle everything. That new and difficult relations will present themselves, only renders it the more necessary, that those which are developed should be fully understood and reduced to method and certainty.

An example may perhaps assist our comprehension of the subject. Take the law titles Baron and Feme, (Husband and Wife,) or Bills of Exchange and Promissory Notes. Neither of these are among the most difficult or least understood titles of the law. Still the learning in relation to them is scattered through at least five hundred volumes, any *one* of which it might be important for a lawyer to consult in a

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given case. It is true, and we admit, that all the possible relations of these subjects could not, by any human investigation or sagacity, be reduced into a code, but so far as they ever have been brought under judicial cognisance, or otherwise developed, they might be set forth plainly and at no great length. In so doing a mass of errors and contradictions would be authoritatively refuted, surplusage avoided, redundancies and repetitions retrenched, and the whole matter, as we verily believe, might be reduced in the proportion of one hundred to one, and this to the great improvement of the law as a science.

Mr Dane, an eminent lawyer of Massachusetts, is now publishing a Digest of American Law. This abridgment is to be contained in eight very large octavo volumes. Now if Mr Dane esteemed himself at liberty to state simply what the law is, or in his opinion ought to be, without amplification or argument, if he could omit the citation and discussion of *dicta* and authorities, whether contradictory or corroborative, and should thus reduce the law, as any other science would be reduced, to a series of propositions and statements intelligible to every professional student, if not to every enlightened man, and should present his digest in this form to the public, no one, who has turned his attention to the subject, will doubt, that the whole might be comprised in at least *one* volume of the same size. It would then much exceed in bulk the Napoleon Code. The maxim, *lege multum non multa*, is as applicable to the law as to any other subject, and such a volume, carefully perused and reperused, would convey more and better information than the reading of the whole eight, excellent as we doubt not they will be.

We are not to be understood as recommending the propriety of committing such a task to any one man, however eminent his talents and acquirements, or severe his industry. It is too mighty for a single intellect. Besides, an individual is apt to be governed by a single set or chain of ideas and associations, and such a work ought to undergo a careful and thorough revision, by those who will view it in different points of light. There are, no doubt, many men in our country who are fitted to earn glory for themselves, and to signalise the age, by the performance of such a labor. In a few years two or three such men, aided by the labors of a few eminent

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common lawyers, would produce a code, which, after the first awkwardness resulting from novelty and change of habit had worn off, would be almost as real and as great an improvement in jurisprudence, as the introduction of steamboats in water transportation. Simplification, order, arrangement, labor saving contrivances, and increased efficiency of exertion are taking place in every other branch of human knowledge and effort; and it is not to be admitted, that the law, whose office it is to pervade and govern the whole, is exempt from the operation of a beneficent principle, which is otherwise universally prevalent. The main labor would be to retrench and simplify, and to declare authoritatively, that which is now involved in doubt and discussion from the contrariety of opinions and decisions to be found in the books.

When such a code shall have been well considered, digested, and matured, it must of course be submitted to the state legislature for its final adoption. It would then undergo another scrutiny, and the practical good sense of those who compose that body would act upon it. They would not lightly interfere with a system, which had been thus prepared and elaborated; but they would of course reject whatever they might deem manifestly injurious. This would be an additional guard, of which other nations have not had the benefit in the formation of their codes, at least not to the same extent. A code of laws, thus prepared and adopted, would, no doubt, still be imperfect; but if it were not less so than the present system, (if that can be called a *system*, which is the confused product of different ages, and countries, and states of society, dark, uncertain, often contradictory, and almost without method,) if it were not preferable to such a system, the result of the experiment would be to show, that confusion may be better than order, and that on the great subject of the regulation of human rights and actions, it is better to trust to chance than to intellect.

But ought we to be considered as contending for experimental projects against experience? On the contrary, has not experience settled this point in favor of our argument? It matters not that the experience is not our own. It is the distinguishing character of wisdom to profit by the experience of others. The Roman law was not drawn from more various sources than our own, and it probably was not more

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confused and discordant, yet the digests and revisions, which it underwent at successive periods, were not only of great immediate utility at the time when they were made, but have conferred immortal honor upon the enlightened princes under whose auspices they were compiled, and upon the illustrious jurists, who were employed for that purpose; and when the empire which produced them, with all its power, learning, arts, and institutions, had crumbled into dust, and clouds and obscurity had gathered thick upon it, and the destruction was nearly elementary, these monuments survived the wreck of almost everything else, and were rediscovered and brought forth in happier times to serve as the basis, and in truth, nearly for the whole structure of the jurisprudence of the new governments, which were formed from the ruins of the Empire. If we suppose a similar misfortune to happen to England or America, what book, treatise, or set of books is there now existing, which, if discovered in future times, would convey to posterity an adequate knowledge of our legal system? If a complete law library, buried this day, were disinterred at the distance of a thousand years, it would not answer that object. The arbitrary refinements and distinctions of the common law would have passed away from the human mind, and could hardly be revived. The language would have become obsolete. If any one doubts this, let him inquire whether an ordinary record of a court of Westminster Hall, as for instance, in an action of trover or trespass, being sent to any country on the continent of Europe, and translated into the language of that country, would convey clear and sufficient information either of the matter in controversy, or of the ground on which it was decided. Those, who have had an opportunity to examine the records of continental courts, must acknowledge, that in this respect, at least, they are very much superior to the English.

While on this subject, we cannot omit, in confirmation of our argument, to call the attention of our readers to the Napoleon Code. It was made after a great revolution, and by the command of a despot. Still, it is conceded by all to have been an immense improvement. It was, as every code must necessarily be, little more than a compend of laws and principles previously existing, but then it introduced order and certainty, and compressed the law within a comparative-

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ly small compass. It did not fix and settle the law forever; no code could do that. On the contrary it became the basis of essays, comments, and annotations; but is it not better that they should have such a basis, than that they should, as in England, be founded on a thousand volumes of ancient and modern statutes, essays, digests, reports, and decisions of greater or less authority, more or less obsolete, and proceeding from judges of all degrees of power and reputation, from the Lord Chancellor delivering an elaborate opinion in his own court or the House of Lords, to a puisne judge or commissioner at Nisi Prius? Prejudice and bigotry cannot deny, and do not deny, that the Napoleon Code is a decisive instance of the success of the principle for which we contend. *Fas est ab hoste doceri.*

We are not wholly without the benefit of experience in this country in relation to this subject. We have already hinted at the division of the law into two heads, namely, that which binds by force of a statute or the will of the legislature, and that which is derived from all other sources. This distinction is not very precise, because much of the law consists in authoritative decisions on statutes, which are often very distinguishable from the statutes themselves, but it is sufficiently accurate for our present purpose. Now we believe that the experience of most of the states has shown the expediency, not to say the necessity, of an occasional revision of the statutes to a greater or less extent. Statutes, *in pari materia*, as they are called, that is, upon the same subject, have been revised, collated, amended, and reduced into one. Saving the offensiveness of the term, this is nothing else than legislative *codification*. It has been found not dangerous but beneficial, and we cannot but think, that if an English jurist would take a hint from a young country, he would not be long in discovering that it would be no small service to his own kingdom, if the numerous volumes of her statutes had been reduced into order and compass; if the game laws, the laws relating to apprentices and the poor, the bankrupt laws, and, above all, the criminal laws, had been revised and brought within the limits of memory and investigation.

The statute law is quite inconsiderable in comparison with the enormous mass of the common or unwritten law, that law of which the evidence is to be found in books of reports of

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the English and American courts, and the books made from them, with an occasional though rare reference to the opinions and decisions of the jurists of other countries. If then the benefit of digesting the statute laws into something resembling a code has been so great and so apparent, what reason is there why a similar advantage may not be expected, by subjecting the larger and more discordant mass of the common law to a similar operation?

But there are still higher and more illustrious precedents to be adduced in support of our argument. We allude to the constitutions of the several states of this Union, and to the federal constitution which holds them all together. What are these but a digest or *code* of fundamental principles on constitutional law? They have not excluded doubt or discussion; no human instrument could do that; language is not competent to such an effect. But they have done much; and infinitely more than those will readily believe, whose thoughts and studies have not led them to be conversant with subjects of this nature. We have had many constitutional discussions; in the infancy of this system, before its organisation had become perfect, and its parts were adapted to each other, this was unavoidable; but our written constitutions have furnished a comparatively easy and definitive test, for the resolution of doubts and decision of controversies. In England also there have been constitutional disputes, and the disputants have appealed to theoretic reasoning, vague maxims, obsolete charters, ancient usages, half forgotten statutes, concerning which it has been matter of doubtful discussion, whether they were or were not in force, and finally, there being no other absolute test, to the sword of the strongest.

The administration of justice is beyond all comparison the most important part of the government and polity of a country. An enlightened jurisprudence supposes a great advance in national character, and, more than anything else, tends to aid its further progress. That the judiciary is honest and learned denotes only a low degree of improvement in this most important of all arts. The laws should be as simple as is consistent with the multiplied relations of society, they should be homogeneous, and adapted to the existing state of things, they should be intelligible, that they may be understood, and just, that they may be approved, and they should be carried

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into execution in a direct, economical, expeditious, and effectual method. How far the English system of the law remains distant, not only from theoretical, but easily attainable perfection, any one may perceive, who has studied this subject with any degree of philosophical attention. Americans will not long believe, and the inhabitants of many of these states do not now believe, that there is any necessity that the forms of conducting a legal controversy should be so multiplied and expensive, that the mere costs of suit, without taking into consideration the rewards of professional eminence, should be so great, that none but the rich can indulge in the luxury of the law. This is now the case in England. Enlightened men will not long believe, that it is necessary to have such a system of law, that a vast proportion of the reports relate to distinctions having no connexion with the justice of the case in controversy, and but a doubtful existence in the nature of things, such for instance as the evanescent and scarcely discernible boundaries of the actions of trespass, and trespass on the case. These things will not always remain as they now are, but the day of change is perhaps far distant.

ART. IX.—*Die Staats Wissenchaft, theoretisch und praktisch dargestellt, &c.*

The Science of Political Economy, theoretically and practically explained and illustrated, by Examples out of the modern financial History of European States. By LEWIS HENRY VON JAKOB. 8vo. 2 vols. in one. Halle. 1821.

THE author of this valuable work is one of the many German scholars, whose merits have been latterly acknowledged by the cheap reward of nobility. This might be understood from the particle *Von* prefixed to his name, which, although very ancient and truly historical, is not one of those feudal epithets indicating an aristocratic origin. What honorable station the ennobled author fills, the titlepage does not designate, but from the book it appears that he is a professor in the University of Halle, is respected in Germany as a writer and translator of various works on political economy, and has arrived to the advanced age of seventy years or more. His style

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consequently partakes of the excellencies, as well as the imperfections, of the period in which it was formed, thirty or forty years ago.

In the introduction to this treatise it is called a text book, and it appears to have been designed as a guide for the author's lectures on political finance. The first volume is successfully devoted to unfolding the true principles of taxation. The author leaves nothing unexplored, and traverses every country in which this branch of political economy has been cultivated, within the memory of the present generation. For although he also glances at more remote periods, and even at the financial management of the Greeks and Romans, he justly observes, that until lately the only care of financiers was, to devise means of extorting money or services for the necessities of government, without any regard to the justice or equality of taxes, and that consequently the community, and chiefly the lower orders, were oppressed beyond bearing. After enumerating what has been done and written in England, France, Italy, and Germany, as preparatory to developing the principles of political finance, Mr Von Jakob justly ascribes to Adam Smith the honor of having discovered a firm foundation for the sciences connected with political economy, and though his doctrines may not have been universally or unconditionally adopted, still he and his successors, Torrens and Ricardo in England, Say in France, Sismondi in Italy, and Sartorius, Kraus, Soden and others in Germany, are represented as the fathers of a revolution in opinion, which had become practically indispensable by the uncommon expenditures of the late war. The enormous debts thus caused could not be met by the old slovenly method of an unequal and unjust taxation.

The author, after having explained at length the objects of political finance, treats of the science under three distinct heads; first, as relating to the means of defraying the public expenses; secondly, the public demands or expenditures; thirdly, the mode of regulating income and expenses, with comparative views of the two. We do not mean to notice the judicious illustrations with which the author has adorned each of these heads. In two or three instances his arguments do not appear to possess their usually convincing power, but he is generally strong and pointed. The following remarks pertaining to this topic are sound and of general application.

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'The principles,' he observes, 'by which the imposition of taxes are regulated, are partly dictated by justice, partly derived from political economy, and partly discovered as beneficial by the science of finance itself. *Justice* demands, that the taxes be indispensable, or that without them no provision can be made for the real wants of the Commonwealth; that they are useful for those who are taxed, or that no one be subjected to a tax for purposes from which can result no advantage to him either directly or indirectly; that there shall be equality, or a just proportion in the division, so that the share of each individual be measured by his participation in the general advantages thus obtained for the Commonwealth, which will be according to the extent of his abilities, or of his property, protected by the salutary regulations of the state; and that no person be a loser in a greater amount by the payment of his tax, than that which he is to gain by the same. *Political economy* requires, that neither the whole sum of the taxes to be imposed encroach upon the capital stock of the nation, nor that the capital stock of each individual be affected by his share of the taxes, but that they may be paid out of *his clear income;* that the tax do not operate against the creation or augmentation of the public wealth, by weakening or destroying its causes; that it take from the citizen as little as possible above the receipts of the treasury, consequently that the collection be easy, cheap, and as direct as possible; that it interfere no more with personal liberty than is unavoidable; that the amount of the taxes be not demanded in such large sums as to take a long time for the contributors to collect them, and that the taxes be, as rapidly as may be, received, and expended for their purpose, so that they shall not linger in private or public hoards to a large amount, but quickly return into circulation. *The science of finance* prescribes for itself as rules of beneficial tendency in levying taxes, that their amount and the time when they will be received may be foreseen with exactness and certainty, such taxes having the preference as are certain and determined in quality and quantity, and whose pay days are fixed and coincide with the times, when payment becomes easy and convenient to the contributor; that no opportunity or temptation exist for evading the taxes or smuggling; and that they may be collected by as few persons, and with as little cost as possible. All these principles, dictated by justice, political economy, and the science of finance, are in complete harmony, and reciprocally aid and support each other.'

In the application of these principles the author examines, as an experienced political economist, the funds out of which taxes may be paid. Under this name he comprehends the aggregate of all useful things possessed by man, and distinguishes the *internal funds*, or his faculties and powers of

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body and mind, from the *external*, or the goods and money which he owns, though he considers the first only so far an object of political finance, as they serve to acquire the latter. When such funds are designed as a means for creating other funds, he calls them capital stock, and their produce, revenue. Having explained the nature of capital stock, and the consequences of its being impaired, he concludes that no state can assure itself of a permanent income from taxes, except it be paid out *of the clear revenue of capital stock.* It is worth while to observe the unhappy consequences, which would follow a taxation absorbing the whole, or the most of the clear national revenue, and how indispensable it is for the welfare of a nation, that taxes take only as small a part of the same as possible. But the policy of finance extends farther. It is not time to be satisfied, when the general mass of the national revenue is found competent to bear the taxes, but particular care must be taken in their division, so that some members of the community shall not pay them out of their capital stock, when others pay only such a small part of their clear revenue, that they remain able to increase their capital in a greater proportion, while that of the poorer class diminishes. This consideration leads the author to a nice distinction between *revenue* and *income*, the former term being confined to the clear produce of capital stock, and the other comprehending all other methods by which one person may appropriate to himself the capital stock of another. Two fundamental maxims of taxation are laid down; first, that all taxes are to be so imposed and divided, that every one may pay them out of his *clear income;* and, secondly, that they only amount to the smallest possible part of this income.

In applying his principles of taxation, Mr Von Jakob distinguishes the payments *in kind* from those in *money*, the *personal* from the *real*, and the *direct* from the *indirect taxes.* In the first he includes forced services, and takes occasion to show how they may be generally dispensed with, even those for military purposes, and that it is always preferable to change services into monied contributions. He declares himself opposed to all personal taxes, among which he enumerates the singular ones on Jews, heretics, bachelors, and beards, as under Peter First of Russia. Taxes on real property cannot be imposed without great danger of inequality, or of touching

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the capital stock, and the same difficulty exists with taxes on moveables. He rejects tithes, and teaches the regulation of taxes on real and personal property, according to the *clear income of each*, under three different heads; first, taxes on rent of the soil; secondly, on interest of all kinds of capital; and thirdly, on the revenue of skill and labor. The illustration of each of these divisions abounds with many excellent and always practical observations.

On the subject of direct and indirect taxation, and the importance of combining the two into a well organised system, Mr Von Jakob speaks as follows.

'The objections to indirect contribution are certainly not without foundation, if we look at the manner in which it is imposed in most countries, as lately represented by Mr Prunner. But the question is, whether this does not admit of amendment, and whether a judicious combination of direct and indirect taxes may not be consistent with the principles of a just and equal taxation, or attain the end of a good system of imposts with more certainty, than when we confine ourselves to one of these methods? I hope to have resolved this problem in the affirmative. If the whole of the clear income could be explored without oppressive measures, and also the payment of every person's share at the right time could be secured, the tax on income might be the only one. But it is quite impossible to ascertain the clear income of an individual with certainty or with a near approach to the truth. It may be conjectured only to a certain extent, and the most of the statements and the result of the valuations remain more or less remote from truth, so that every tax on income, however equal it may appear, is still far from being so in reality. This inequality is owing not only to defective valuations, but to the constant fluctuations of income. It changes yearly with some, with others monthly or weekly. And since the tax must at any rate be permanent for some time, it must be unequal in its effect. The more we attempt to accommodate it to these changes, the more the labor and trouble in its division and collection increase, without obtaining the end of our efforts. In particular, to collect from the poorer class a tax on income would be attended with great difficulties. In this branch of taxes, as in all direct taxation of any consequence, it is impossible to avoid remnants or arrears, the forcible collection of which, notwithstanding the harshness of such measures, generally costs more, than the amount thus collected, and the greater part must be finally given up. Thus taxes on income cannot remain the only resource, especially to a commonwealth in which there are not many rich individuals, and which has great public demands. For, in order that

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the inequality, which is inseparable from an income tax, may be endured, or not perceived, one is obliged to assess it in such a manner as to be assured, that nothing is touched but the clear income of individuals, and that this is affected only in such a degree, that the tax can be easily paid. The result is, that though the income, in reality small, is not taxed too high, but in its just proportion, the larger clear income, which appears to be far too little in the tax list, because it could not be discovered, escapes much of its just tax. This fault is inevitable. Will you thrust yourself into the secrets of individuals, and espy the income of every citizen with exactness, you have to resort to measures highly vexatious to the public. The country will be filled with discontent and murmur, the labor and expenses of the inquisitive researches will overbalance the advantages thus gained, and the aim is missed withal. Or do you confine yourself to classifications or external signs, and follow in your valuations the rules of equity and liberality, even then a great part of the clear income unavoidably escapes.

'Between this Scylla and Charybdis no passage remains. Among these imperfections a wise financial policy can find no other way, than to choose that method by which every one is sure not to be injured, and which provokes not the hatred of the taxed citizen by oppression. But at the same time other means must be tried to restore to just proportions this inequality, and to take from those, whom the income tax leaves either untouched, or not sufficiently burthened, in some other way as much as they probably would have had to pay, if their income had entered the tax list to its full extent. This seems to be best obtained by a tax judiciously laid on consumption, or regulated by the expenses of the contributors. All taxes on consumption may be ranged in two classes, according to their different objects. The first class touches those private services required for corporeal enjoyment, or the wants of humanity; the second relates to the public services, or advantages, which we enjoy from the protection of government. Commonly, the first class only is understood by what is named tax on consumption; but the latter is of the same nature with the first. In regard to this, when a government takes no more than a just payment for such public matters, acts, or services, from the individuals, who receive the same, they are not to be considered as taxes. But when the government takes not only the cost, but exceeds it greatly, this additional pay is nothing else than a tax on consumption. Taxes of this class may be found in court and register fees; in the price paid for public convenience, such as posts, turnpike roads, canals, locks, bridges, lighthouses; in contributions for the use of public instruction to schools and churches; in corporation expenses; in fees which government takes for diplomas, and similar writings; and in licenses for lotteries, and games of hazard. All taxes of this description may be

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justified, if they are adapted to the probable income of those who consume such services, but they are to be rejected, if they are imposed blindly, and only because an opportunity is found to demand money.'

The author proceeds to a minute examination of all these various sources of taxation, in which he evinces great extent of research, and a discriminating judgment. He also goes into a close investigation of the first, or principal class, to which the name of taxes on consumption is often exclusively given, and for the regulation of this class of taxes it is to be kept in mind, that their object is either to remove the inequality produced by the imperfection of the income tax, or to supply the defects of an income tax, which is too low, or to take the place of such a tax with those who remain untouched by it. One caution is specially recommended, which is, that all indirect taxes be laid on an article as nearly as possible at the moment when it reaches the hands of the consumer. For if an indirect tax on consumption is paid long before this period, the goods are not only enhanced in price by the interest of the capital paid for taxes, but the merchant, or manufacturer, incurs also the risk of paying taxes for articles, which he cannot sell, because they will spoil before the opportunity of a market arrives. Such is the nature of consumable goods, however, that this rule cannot be rigidly adhered to, but a wise and just government will always keep it in view, as far as it can be made practicable.

Such is a very imperfect outline of Mr Von Jakob's remarks on the intricate subject of taxation. In this sketch we have done little justice to his learning or his researches. The immense fund of knowledge, which he has collected, respecting the modes of levying taxes in the different countries of Europe, is at the same time curious and highly important to the practical statesman. The following observations on paper currency, the subject of another part of his work, are here translated, not so much on account of anything original in them, as of their practical good sense, and the clearness with which the evils of an undue resort to this means of revenue are pointed out.

'Paper money,' says the writer, 'can retain its nominal value, so long only as it may be extended at pleasure at its full price. To effect this, a government may contrive many artificial methods, but all of them will final y fail, if it is not willing or able to pay the

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cash in full, without hesitation or restriction, for every piece of paper money which cannot be redeemed at par. If, therefore, in time of peace, paper money, emitted with caution and prudence, may be of good service to the state, and save large sums of ready money, still, times of pressing difficulties are not those in which a government should resort to this measure, as is clearly evinced by the plainest principles of political economy. Under such circumstances paper money will soon sink below its nominal value, especially if the country be the theatre of war. Every one, who receives it in full from government, loses the whole depreciation experienced during the time he keeps it. Since such paper money always sinks lower and lower, every person who expends it in succession is a loser, and these losses are distributed through the nation in a manner quite unequal and beyond the reach of calculation. Never, therefore, will a sound financial policy seek the aid of paper money in war, or other cases of distress. A nation will thereby always suffer greater losses, than by any other method of providing for the exigencies of war. The loss, which a government thus causes to the nation, is, in the first place, divided in a most irregular way. Government has not the distribution in its power, but leaves it to accident. Thus it is a true indiscriminate pillage of the nation. Again, it is quite impossible for government to indemnify the sufferers by paper money, for none or very few can repair their damages; many even know not when and how they have lost; all that they know with certainty is, that they have become poor. Nay, every attempt of indemnification, instead of alleviating, only increases the injustice and the evil. If the government raises the value of the depreciated paper money, the gain does not go to those who have lost by the depreciation, but to others who have lost nothing, and perhaps have gained much. Every artificial rise of depreciated paper is thus nothing more than a blind distribution of the raised amount among those, who happen at that moment to be in possession of the paper, or in the expectation of such receipts. These gain, according to the sums which they possess, or which they have to receive in payment of debts contracted in bad money. On the other side, those who owe paper money, which they have received at a low rate, lose by this method as much as the paper with which they must repay has advanced.

'Some writers and politicians consider paper money as a debt of the state, which is obliged to be repaid by raising the paper to its full metallic value. But this view seems quite erroneous. The state is ignorant what individuals, and how much each of them, have lost; there is no possibility of a general liquidation, and consequently none of retribution. Would you say the state owes it to the public? This amounts to nothing. The public is no other than the state itself; both debtor and creditor would be united in

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the same person; thus the debt would disappear. But this would only happen with justice, if all individuals had in equal proportion of their income contributed to the debt, and since this is not the case, the project appears idle. The problem how those, who have suffered more than others, may be indemnified, remains unsolved. All that the government can do is to stop the evil consequences, and to eradicate the evil seed of the past mischief. Very little is to be repaired.'

As there is no such thing as restoring the losses already incurred by paper currency, the author declines adventuring in defence of any plan for this purpose. To remove present evils, and prevent future ill consequences, is all that can rationally be attempted. Several methods, which have been proposed and tried, are examined by him, and their comparative imperfections and advantages clearly set forth. Among other methods he thus speaks of the following.

'A quite false method of removing the evils of paper money is that latterly adopted in some countries with great expense. It consists in the efforts of government to enhance the course of exchange, by drawing certain quantities of paper money out of circulation, with a view that from a diminution of its mass, an increase of its value must be the consequence. The following considerations will show that this is a mistaken, useless, and wasteful operation. I say a *mistaken* operation, because it is founded on the erroneous idea, that the state is able to repair the damages created by the falling of paper money, and to indemnify those who have suffered losses. Not only society does not get an indemnification by the rising of the course of exchange, but on the contrary it experiences once more the whole train of evils, which it formerly suffered by its fall, only on an inverted scale. For those, who happen to have much paper money on hand, will profit by this measure without knowing how or why, and those who have none, but are to procure it for payment of debts contracted when the money was at a lower rate, must lose. Thus the rise of the value creates just as blindly a great revolution in fortunes, as formerly its fall. Again, I call the attempt *useless*, because, for reasons explained in different parts of this work, it does not, nor can it enhance the value of paper money. Should this follow from its diminution, provision ought at the same time to be made, that it remain the only circulating medium. That is, no coined money besides the paper ought to be introduced into circulation. But this introduction is thought by those at the head of finances, and by many others, to be an advantage to the country, and of a beneficial influence on the value of paper money. Just the contrary, however, happens from the nature of circumstances. The influx of silver prevents the enhancement of paper money, not-

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withstanding its diminution. For suppose eight hundred millions of paper dollars to be worth two hundred in silver, and suppose the government to withdraw two hundred millions of paper from circulation; then but fifty millions of silver will take their place. In this case no change occurs in the sum of the circulating medium, because fifty millions of silver are equal to two hundred in paper. Here is the true cause, why the great sacrifices of the Austrian, Russian, and other governments have nowhere had the anticipated effect. Lastly, the operation is *wasteful*, because the money expended for raising the value of paper is totally and uselessly lost, and the nation gains only a new burthen of interest. That it fails in effecting a rise is even fortunate, for otherwise a new revolution in private fortunes would accompany the millions of a thus created useless public debt.'

In addition to the topics above discussed, Mr Von Jakob dwells at large on all the important sources from which public revenue is usually derived. On the subject of managing the mint, he recommends that government should totally abstain not only from all profits, but even from deducting the expenses of coining, as in England; and he also advances good reasons for entrusting the coinage of money under proper restrictions to individuals. He speaks of the organisation of post office establishments, public loans from banks and otherwise, providing for public defence by conscription and militia, and such other objects as immediately affect the revenue and disbursements of a nation. All his discussions are marked by liberal and extended views of political science, not less than by compass of learning, strength of argument, and depth of thought.

ART. X.—*Letters to the Hon. William Prescott, LL.D, on the Free Schools of New England, with Remarks upon the Principles of Instruction.* By JAMES G. CARTER. 8vo. pp. 123. Boston. Cummings, Hilliard, and Co. 1824.

THE principal subject of this pamphlet, the free schools of Massachusetts, is of great and growing importance. It is, at this moment, exciting much inquiry, and will, we think, be yet more carefully discussed hereafter, than it can be at present. We are much gratified, therefore, to receive at this

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moment, Mr Carter's letters, because they are evidently written by a person, who possesses a practical and familiar acquaintance with the management of the free schools of New England, and has besides taken more than common pains to collect such notices of their history, and such general information concerning them, as may best serve to illustrate their past condition as well as the circumstances in which they now stand. We are besides much gratified with Mr Carter's discussion, because we consider the free schools of New England as the basis of what is most valuable in New England's character; because, we think, they have been so from the very planting of these colonies; and because we fully believe that, if there be anything on which, under the favor of Heaven, New England may safely rely to preserve and raise its moral and intellectual condition for the future, it is on these same free schools, encouraged, enlarged, and strengthened to meet the growing and increasing wants of its population.

Mr Carter begins with a notice of what was done for free schools in the earliest period of our history, first by the laws of the Colony, and afterwards by the laws of the Province of Massachusetts Bay; and then comes to the practical condition of the schools as they now exist under the provisions of our own constitution. We do not know anywhere else so simple and exact a statement of the modes, in which the common reading and writing schools of the interior, not only of Massachusetts, but of all New England, are managed, as in the following passage.

'New England possesses some peculiar advantages for carrying into effect its system of education. It is divided into small townships or separate corporations of from five to seven miles square. The responsibility of these small corporations is more likely to ensure a more vigilant discharge of their duty, than if they were larger, and the subject of their responsibility less immediately under their inspection. As the population is scattered over almost the whole territory, and the children are often young, who attend the primary schools, it has been found convenient to divide each town into smaller districts for this object. Thus a school is carried to the door, or at least into the neighborhood of every family. Each township constitutes from four to twelve districts; and none are so far removed from all the schools, that an attendance on some of them is not easy. The appropriations for schooling in each town are adequate to support a school in each district, from three to six

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months in the year, and often longer. The money is raised by a tax on the *property* of the town, principally, a very small proportion arising from the *polls*. It is distributed among the districts, sometimes, in proportion to what each pays of the tax; but oftener, a more republican principle prevails, and it is divided according to the number of scholars. There is one other principle of distribution, which is sometimes adopted, in those towns not satisfied with either of the above methods. That is, they divide the money raised as above among the districts, in the compound ratio of the number of scholars and the tax paid in such district. But this requires so much mathematics, that even those who acknowledge the justness of the principle, commonly content themselves to do less justice, and spare their heads the trouble of calculation.

'These appropriations are expended, a part in the summer months for the advantage of the younger children, and a part in the winter months for the accommodation of those, who are more advanced in age, and whose labor cannot be spared by their poor and industrious parents. The summer schools are taught by females; and children of both sexes, of from four to ten years attend, females often much older. In these schools from twenty to forty, and sometimes twice that number of children, are taught reading, spelling, and English grammar, by a single instructress. In the more improved of this class of schools, writing, arithmetic, and geography are added to their usual studies. In the leisure time between lessons, the female part of the school are devoted to the various branches of needlework. These primary schools, however humble the branches taught, and young the children, to whom they are taught, have a strong influence in forming the characters of the young. Although the progress in studies may be inconsiderable, yet they are important for the notions of order, decency, and good manners, which they inculcate; and for the habits of attention and industry, which are there formed. The whole expense of a school of this kind, taught by a female, exclusive of the house, which in the country costs but a trifle, does not exceed from two to three dollars per week. For this very inconsiderable sum, thirty, forty, or fifty children, are not only kept from idleness and consequent depravity, but are taught much, which will be useful to them in life. In the winter months an instructor is employed, and arithmetic, geography, and history, are added to the studies of the summer schools. These schools bring together for instruction those children and youth, whose labor is too valuable to be dispensed with, in the season which gives the agriculturist most employment. The total expense of a school of this kind amounts to from six to ten dollars per week; and it contains from thirty to eighty, or a hundred scholars.' pp. 29—32.

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After this Mr Carter speaks of the law passed by the legislature of Massachusetts, in January of the present year, empowering any town containing less than five thousand inhabitants to refuse to keep a grammar school, which, in the language of our laws means a school, where the Latin and Greek can be taught, and boys prepared for admission to our colleges. This law Mr Carter shows to be singularly unhappy in its operation, as its tendency is to reduce the general tone of intellectual improvement throughout the commonwealth, and particularly to place an early and insurmountable obstacle in the way of those gifted children of the poor, who among us have so often risen to the highest places of the state, through the means offered them by our public schools. On this very interesting part of his subject we cannot refuse ourselves the pleasure of citing Mr Webster's admirable remarks in the Convention of 1821, as given by Mr Carter himself.

'If there is any one cause,' says Mr Carter, 'which has contributed more than others, to produce that remarkable degree of happiness and contentment, which pervade all classes of the people in New England, that cause is the successful operation of the system of Free Schools. The basis of the system is, that the property of *all*, without distinction, shall be applied to the education of *all*. The principle and its operation were thus eloquently described by Mr Webster, in the late convention for revising the constitution of Massachusetts. "For the purpose of public instruction, we hold every man subject to taxation, in proportion to his property, and we look not to the question, whether he himself have, or have not, children to be benefitted by the education for which he pays. We regard it as a wise and liberal system of police, by which property, and life, and the peace of society are secured. We seek to prevent, in some measure, the extension of the penal code, by inspiring a salutary and conservative principle of virtue and of knowledge in an early age. We hope to excite a feeling of respectability, and a sense of character, by enlarging the capacity, and increasing the sphere of intellectual enjoyment. By general instruction we seek, as far as possible, to purify the whole moral atmosphere; to keep good sentiments uppermost, and to turn the strong current of feeling and opinion, as well as the censures of the law, and the denunciations of religion, against immorality and crime. We hope for a security, beyond the law, and above the law, in the prevalence of enlightened and well principled moral sentiment. We hope to continue, and to prolong the time, when, in the villages and farm

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houses of New England, there may be undisturbed sleep, within unbarred doors. And knowing that our government rests directly on the public will, that we may preserve it, we endeavor to give a safe and proper direction to that public will. We do not, indeed, expect all men to be philosophers, or statesmen; but we confidently trust, and our expectation of the duration of our system of government rests on that trust, that by the diffusion of general knowledge, and good and virtuous sentiments, the political fabric may be secure, as well against open violence and overthrow, as against the slow but sure undermining of licentiousness.

'"I rejoice, that every man in this community may call all property his own, so far as he has occasion for it, to furnish for himself and his children the blessings of religious instruction and the elements of knowledge. This celestial, and this earthly light, he is entitled to, by the fundamental laws. It is every poor man's undoubted birthright, it is the great blessing, which this constitution has secured to him, it is his solace in life, and it may well be his consolation in death, that his country stands pledged, by the faith, which it has plighted to all its citizens, to protect his children from ignorance, barbarism, and vice."' pp. 48—50.

The remainder of Mr Carter's pamphlet is devoted to the inquiry, how the public free schools can be improved and made more useful. This, he thinks, can be done by selecting the teachers from among persons whose success in life shall be identified with their success in this occupation, which is now rarely the case; and by introducing the principles of inductive logic into all the different branches of education. This last point he illustrates much at large by examples of inductive teaching in the languages, in geography, and in arithmetic; the last, as exhibited in Mr Colburn's recent valuable publications, which are there very thoroughly analysed and examined.

We do not propose to follow Mr Carter into this portion of his inquiries. He has managed it as he has the whole, with much ability and a thorough knowledge of the ground he occupies, and of the objects he wishes to attain; and we commend it, as we do the entire pamphlet, to the careful attention of all who are interested in the vast subject of free schools, for Mr Carter is evidently a person whose inquiries, experience, and reflections give him a claim to be heard with respect and confidence.

We wish, however, to offer a few hints, chiefly taken from Mr Carter's pamphlet, on the course of legislation in Massa-

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chusetts concerning Free Schools, and its probable effects, thinking the present an important crisis in the history of popular education throughout the country.

The earliest trace of a free school, intended for universal education, has escaped Mr Carter's diligence; but it is so honorable a testimony to the character of our ancestors, that we must be permitted to produce it. It is found in the Records of the Town of Boston, vol. i. p. 3, under date of the thirteenth of the second month, 1635, and provides, 'that our brother Philemon Pormont shall be entreated to become schoolmaster for the teaching and nurturing of youth among us.' That he served only a short time, if at all, is probable, because at the end of the same volume of Records, with the date of August 1636, is a curious memorandum of subscriptions 'towards the maintenance of a free schoolmaster, for Mr Daniel Maude being now also chosen thereto.' So that within five years from the first peopling of the peninsula of Boston, when the rudest wants of its inhabitants were yet very imperfectly satisfied, a school was established among them, apparently under the auspices of John Winthrop, the first governor of the colony, for the purpose of promoting universal instruction. And this is the foundation of the free schools and the popular education of New England.

In 1647, free schools became a matter of legislation in the colony of Massachusetts Bay, and by a law then passed, 'to the end' as its preamble sets forth 'that learning may not be buried in the graves of our forefathers' it is ordered that every township with fifty families shall provide a school, where children may be taught to read and write; and that every township of one hundred families shall provide a *grammar* school, where youth can be fitted for the university; to which another law was added in 1683, providing that every township with more than five hundred families should maintain two grammar schools and two writing schools; a burthen, which, considering the feeble means of the colony, and the dark period when it was assumed, was no doubt vastly greater, than any similar burthen that has been borne since; and, when compared with the present wealth of the state, greater than any one of its civil expenses.

It is a singular fact, too, that no legal requisitions made since have, even in name and form, come up to this noble

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standard established by our poor and suffering forefathers in the middle of the seventeenth century. The charter of William and Mary having rendered a new law expedient, an act was passed by the Province in 1692, containing provisions similar to that of 1647; but omitting the requisition made in 1683 on towns of five hundred families to maintain two grammar schools and two writing schools. A still greater falling off followed the settlement of the constitution of 1780, though that constitution solemnly recognised the duty of cherishing the grammar schools, for by the act of 1789, towns of fifty families are required to support a reading and writing school only six months in the year instead of twelve as before, and towns of two hundred families are required to have a grammar school, instead of towns of one hundred as before. And finally, by the act of February 18, 1824, any town may refuse to have a grammar school, whose inhabitants fall short of five thousand; or, in other words, no town in Massachusetts, except five or six, is now required to furnish the higher branches of a common education to all its children.

We confess that we regard this course of legislation on the subject of free schools with much regret. The laws have been continually diminishing their requisitions, until, at last, these requisitions are altogether nominal; until in fact they are made where they are not wanted, and omitted where they are. A moment's consideration will render this statement plain. All the towns of Massachusetts, except Boston, Salem, Newburyport, and two or three others, can exempt themselves from having schools for any other purposes, than to teach 'orthography, reading, writing, arithmetic, English grammar, geography, and good behavior.' Now both the compulsory provisions of this law are useless. There was no need of requiring the towns of Massachusetts to preserve their English schools, for as Mr Carter happily observes, 'the laws for the support of the *primary* free schools, have never been executed upon a niggardly and parsimonious construction. The public mind upon this subject has gone much before the laws. They have followed at a large distance rather than stimulated and controlled any interest. The towns have, in many instances, made appropriations for the primary schools of twice the sums of money necessary to answer the letter of the law.' In the case of the large towns the requi-

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sition is yet less needed. They already do ten and twenty times more than is asked of them. Boston, for instance could fairly fulfil the requisitions of this law by a tax of *three thousand dollars;* but, Boston actually spent *seventyfour thousand dollars* last year on its free schools, and will spend *seventyeight* this year. But, while its requisitions are thus idle, the effect of the law in reducing the tone of education, by allowing grammar schools to be generally abolished, is apparent. The smaller towns have no longer any motive to employ well taught instructers; legislative authority in no way supports education, because the people do more already than is now required of them; and the consequence, that the schools must fall off, seems inevitable.

The reason why the legislature of Massachusetts has thus discouraged the increase and improvement of the grammar schools is, we apprehend, to be found in a general impression, that the grammar schools are a burthen imposed on the poor for the benefit of the rich. This impression is altogether false. The free schools of Massachusetts are supported substantially by a tax on property. In most of our towns one fifth of the inhabitants pays more than half of the taxes, and this fifth, as Mr Carter well observes, instead of sending half the scholars of the free schools will rarely send one sixth of them. Two thirds, therefore, of what the rich pay towards these schools is, on a very moderate computation, paid for the education of the children of the poor.

For the rich, indeed, the character and condition of the free schools is, comparatively, a thing of small moment. If the means of teaching, which they want, are not to be found near their own doors, they can easily send their children to another village or to an academy. But the poor man must educate his child at home or nowhere. He cannot afford to pay tuition fees and board; he can hardly, perhaps, be warranted in giving up the labor of the child, which, as it grows older, becomes a part of the subsistence of his family. The law, therefore, which takes away the town's grammar school, stops the poor man's child at the threshold. He can get the first rudiments of knowledge at the reading school; but the next step is gone, and therefore an impassable gulf is left between his present condition, and that to which he could before have so easily attained, and to which, if he loved knowledge, he was in fact directly and strongly solicited.

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In providing means for the gradual advancement of all, from the humblest rudiments of knowledge, to some of its best attainments, the city of Boston offers an honorable example, which is the more striking, as it is conducted on so large a scale. The first step there is taken in the primary schools, where *twentysix hundred* children, from the age of four to seven are constantly instructed, by female teachers, in spelling and reading. The next step is in the reading schools, where about *twentyeight hundred* boys and girls, from seven to fourteen, are taught reading, writing, grammar, arithmetic, and geography. About one hundred and fifty, from twelve years old and upwards, pursue natural philosophy, geometry, mathematics, French, history, &c. at the High School. And about two hundred and thirty, in the ancient grammar school, are thoroughly carried through the principal Latin and Greek authors, entering at nine or ten and remaining five years. The whole of this arrangement is at once beautiful and practical. No step, no facility is wanting. The poorest boy of the six thousand, who are thus taught by the city, can, without the expense of a dollar, except in books, obtain a thorough education; and no further comment on the practical influence and operation of this system is necessary, than the simple fact, that the children of the rich are found in these free schools, no less than the children of the poor; or, in other words, that wealth, in the city of Boston, cannot buy a better education, than is freely given to the poor; a most honorable example, not only worthy of all imitation throughout a free state, but deserving every form of legislative countenance and support.

But the laws of Massachusetts now do nothing in this great work. On the contrary, by the very humble standard of popular education, which they assume, the people of large towns are invited, and the people of the smaller towns are encouraged, to reduce its tone throughout the commonwealth. The best of what is done, therefore, is done by the people against the spirit of the laws or above their spirit. The community, in fact, insists upon having better means of general instruction than the legislature will even ask. This ought not so to be. The legislature should go before the people, and excite, encourage, and require them gradually, but constantly, to raise the tone of education, to provide more learned

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and skilful teachers, and to introduce into the schools higher and higher branches of knowledge, so that by a sure and silent power applied to the very foundations of society, our laws may cooperate with the spirit of the times, to raise up and educate a people, that shall grow purer, happier, and more enlightened with every succeeding generation. Until this be done, the legislature is guilty of an injury to the commonwealth, which is so much the more alarming, as its full extent cannot be known, until it is become irreparable, since measures that touch the moral and intellectual education of the whole community are to take effect in the next generation, rather than the present, and can be finally developed only by the changed character of the entire people. What our ancestors have done for us, by placing us in the midst of a land of schools and churches, we well know and feel. What we shall do for our posterity remains yet to be determined.

Art. XI.—MISCELLANEOUS NOTICES.

1.—*The Canadian Review, and Literary and Historical Journal.* No. I. July, 1824. pp. 232. Montreal. H. H. Cunningham.

The first number of a periodical work with the above title has recently made its appearance in Canada. About thirty years ago, when the Duke de la Rochefoucault Laincourt travelled in America, he is said, in the introductory article of this journal, to have affirmed, that 'throughout all Canada there is no public library except in Quebec, and this is small and consists mostly of French books; no literary society exists in Canada, and not three men are known in the whole country to be engaged in literary pursuits; excepting the *Quebec Almanac*, not a single book is printed in Canada.' The editors do not deny the accuracy of this assertion, but they speak with just pride of the improvement since the time it was uttered. The progress of letters, if it has been slow, has nevertheless been constant; learning is patronised, and knowledge diffused; libraries are multiplied, and literary attainments are valued, as elevating the character, and conferring distinction. The following facts are curious, as throwing some light on the present state of literature in Canada.

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'There are *nineteen* newspapers published and circulated in the provinces of Upper and Lower Canada. Six of these are published twice a week, and some of the remainder issue supplements when any intelligence of importance arrives. Four of these papers are printed in Quebec, one of which is wholly in the French language, and another partly in French and partly in English. In the Government Official Gazette some translations into this language necessarily appear also. In Montreal, which only contains a population of twentyfive thousand at the utmost, seven papers are issued weekly with supplements, but one only of which is printed in French. In Brockville, in Upper Canada, there is only one weekly paper. In Kingston there are two; in York, one; in Niagara, one; in Queenston, one. The township of Stanstead, in Lower Canada, furnishes another which amounts to the number we first stated. Previous to 1809 there were only four papers in both provinces.

'Besides the libraries of the two principal Catholic Seminaries of Quebec and Montreal, and those of the various religious institutions in the province, there is in every town in Canada a number of public and private libraries, that would do credit to any country. The library of Montreal, which contains a very extensive collection of valuable books upon every subject connected with polite and useful literature, deserves to be particularly mentioned, on account of the liberality with which it is furnished with new publications, and the judicious manner in which it is regulated. The Quebec public library does not, we understand, contain such a numerous list of books, but it is, upon the whole, most respectable. The libraries of Kingston and York, in Upper Canada, also contain a most valuable collection of books. Besides these, circulating libraries are to be found in every town in the province, originally established by some respectable bookseller, and supported, as they generally are in England, by "the reading public." We shall suppose all these libraries to contain ten thousand volumes at the lowest calculation.'

This statement gives in some respects a favorable view of the condition and progress of intellectual culture in Canada. We could wish to have seen something said of the state of primary schools; for, after all, every department of mental acquisition rests on these, as its only substantial basis. Libraries and newspapers will confer little solid advantage, in regard to refinement of taste and the increase of intelligence, unless the elements of learning are made accessible to the mass of the community. If we are to judge of the academies and schools from the following account of the two colleges, contained in the same article as the above extract, we must be contented with a melancholy and discouraging picture, and have no reason to be flattered with bright hopes, or to indulge high expectations. 'Who,' says the writer, 'except the professors and students

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who attend them, know anything of the internal economy of the two extensive public seminaries of Quebec and Montreal? They are both represented to have been founded for the education of youth through all its various departments, to the higher branches of philosophy and the mathematics; but who ever hears of their progress in these sciences, or in letters? Who has ever heard of the prelections of the professors upon the important branches of education, of the notes and discussions of their pupils, or of the busy hum of an anxious and aspiring body of scholars? We sometimes, indeed, have the good fortune to see a solitary straggler of the latter turning some lonely corner of our streets, dressed in his dark blue robe and party colored sash; but we can learn no more of his studies, either from himself or his teachers, than we can of those of an Indian from the foot of the rocky mountains.' This is a dark picture, and no valuable improvement can be anticipated, till it shall cease to be realised. The present is not the age, nor is America the country, in which wisdom is to be taught, or the mind expanded, in cells and ecclesiastical prison houses. As well might we be carried back to the caves and grottos of semibarbarous antiquity. Education is not now of much value, unless it teaches the nature and power of public sentiment, the principles and varying characteristics of society, and prepares the subject of it for entering on the sphere of active life with some just notions of its purposes and duties. A seminary of learning should be open to public inspection, that it may draw to it the sympathy and interests of the community, partake of the spirit that is abroad, and go along with the irresistible tide of events. When shut up in a convent, it becomes the apt symbol of the walls with which it is enclosed, standing a solitary decaying monument amidst the waste of departed ages, instead of rising in majesty and strength as the march of time leads into new fields of thought, experience, and attainment.

From an article in the journal under notice it appears, that during the present year has been sent from the press the first native novel, which has been produced in the Provinces. It is entitled 'Saint Ursula's Convent, or the Nun of Canada,' and was published in two volumes at Kingston, in Upper Canada. It is understood to have been written by a young lady of seventeen, and although the critics are a little captious, and bestow their censures without apparent reluctance, yet they are not wholly relentless, and are in the end fain to confess, that, considering the youth of the fair author, this first effort of her pen gives a good promise of higher success in any future attempt. This concession is to be valued, especially as the reviewers begin their notice by condemning all novel writing and novel reading as a mischievous abuse of talents, and waste of time.

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The present number of the Canadian Review contains three or four valuable articles on the discovery and early history of the Provinces, on the aborigines, and the fur trade. The Quebec Literary and Historical Society has recently been founded under the auspices of the Earl of Dalhousie. Its objects are 'to promote every means of discovering, collecting, and procuring whatever information may throw light on the early natural, civil, and literary history of the British Provinces in North America; to further, by assistance from friends, when practicable, the translation and in some cases the publication of valuable manuscripts or scarce books relating thereto, which may be discovered in any private or public collection; and to encourage and reward such discoveries by every means in the power of the society.' We should presume, that papers thus obtained might be published to advantage from time to time in the Canadian Review. The literary articles in this number are not of a high order; they betray the unpractised writer, and exhibit few marks of deep and methodical thinking. There is much original poetry; the book would be better if the quantity were less. In some of these specimens the Canadian muse has shown so obstinate a reserve, that we wonder her votaries should have persevered in soliciting her acquaintance. In illustrating an important branch of American history this work cannot fail to be valuable; in the department of letters and taste it will doubtless improve with the practice and experience of the writers.

2.—1. *Universal Geography, Ancient and Modern; on the Principles of Comparison and Classification.* Modern Geography by William C. Woodbridge; Ancient Geography, by Emma Willard. 12mo. pp. 388 and 88. O. D. Cooke and Sons. Hartford. 1824.

2. *Modern Atlas on a New Plan, to accompany the System of Universal Geography.* By W. C. Woodbridge.

The plan on which this Geography is executed is in some respects original, and has many things to recommend it. The work has been drawn up with immense industry and good success. The first and principal part, comprising modern geography, is arranged in three divisions, namely, *physical*, *political*, and *statistical* geography, with numerous subdivisions, tables, and illustrative drawings under each of these general heads. Physical geography embraces the natural divisions and structure of the earth, mountains, rivers, islands, volcanoes, earthquakes, caves, lakes, cataracts, canals, inland navigation, atmosphere, climate, vegetable productions, animals, minerals, and races of men. Political geography

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comprehends civilisation, government, religion, education, literary institutions, national character, agriculture, roads, buildings, arts, manufactures, and commerce. Statistical geography treats of the natural and artificial division of the earth into states and kingdoms, and also of the extent, productions, population, and resources of each. Considering the great number and variety of topics thus introduced, the author's method is clear and judicious. We doubt whether in any other work so great a mass of facts, on such a multiplicity of subjects, can be found compressed within so small a compass.

Whether this minute analysis of all the principles of nature, and the concerns of life, ought to be ranked under geography, will perhaps in the minds of some admit of a doubt; and whether it affords the best facilities for instruction can be tested only by experience. As to the first point, however, it cannot be denied, that there is a collateral relation between the several topics, and if they are well selected and combined, and well suited to communicate useful information to the student, it is not worth while to quarrel about the name under which the author chooses to comprise them all, nor to refuse the benefits which his industry and enterprise would confer, because, by presenting them to us in one volume, he has relieved us from the necessity of purchasing and reading three or four. He that succeeds in condensing the important branches of knowledge, so as to diminish the time and labor of acquisition, is a benefactor to society, and deserves the approbation and patronage of a generous public. In this light we are disposed to view the efforts of Mr Woodbridge, and to recommend his work at least to the experiment of teachers, and also to the occasional use of such persons, as would revive the knowledge of some of the chief traits of physical nature, at as small an expense of time and means as possible.

The general division of the work evidently admits of improvement. The order of the three great divisions should be inverted. The intricate science of geology, and the hardly less intricate principles of physical nature, are put first; then come politics, modes of government, agriculture, condition of society, and the various states of human life; and last of all we have the divisions of the earth and the survey of its surface. Now this is beginning at the bottom of the well to work your way up. There are few things of which the mind of a child will receive more ready or accurate apprehensions, than the elements of geography taught from maps; but the phenomena of the internal structure of the earth, the organisation and classification of animals and plants, the nature of earthquakes, winds, and temperature, these, and all their kindred subjects are not to be grasped, till the mind has arrived at its maturity. Even the terms, in which the ideas pertaining to them are clothed, must be unintelligible to any one not already well versed

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in the sciences themselves. If it be said, that care is taken to avoid the recurrence of such terms, we reply that nothing valuable is then communicated, since the knowledge of a science can only be derived through the medium of its appropriate terms. It is a little remarkable, that the author should have fallen into this mistake in the great divisions of his subject, since in his minor divisions he has arranged his materials for the most part with singular good judgment and propriety.

The tables in which mountains, rivers, lakes, canals, seminaries of learning, and many other particulars, are brought together and classified, are ingeniously composed, and calculated to aid the learner in acquiring and retaining the most essential facts. In one or two instances tables occur of which the utility may be doubted; as in that, for example, purporting to state the quantity of rain which falls annually in different places. The following statements are given for Massachusetts. Andover 51 inches; Cambridge 47, Charlestown 36; Salem 35; Williamstown 25. Here is such a want of uniformity within a small space of country, that it is evident no practical results can be drawn, but such, on the contrary, as prove inaccuracy somewhere. Yet the author introduces his table, as if it showed the uniform medium of the quantity of rain annually falling in these respective places. If each amount was what is here stated in any particular year, it is not likely that they were all measured in the same year, or that they would be the same, or vary in the same ratio, any other year. And unless some of these positions be true, the statements can be of no use in a table.

We have noted a few mistakes, but very few, considering the vast field of facts over which the author has ranged. He mentions the University in Cordova, La Plata, as 'recently established,' whereas it was instituted by the Jesuits among the first in South America. He says again, 'the greater number of Colleges in the United States is in New England;' but according to his own showing, there are only ten in New England, and more than thirty in the other states. He speaks of Vera Cruz as the 'chief commercial port in Mexico, and the centre of most of its trade with the West Indies;' but in reality almost the entire trade for the last three years has been to Tampico and Alvarado. Among his maps is an ingenious emblematical chart, in which he places Mexico and New Granada under the government of viceroys from Old Spain, whereas the latter has been an independent republic for several years, and the former exempt from the yoke of Spain for a longer period. These are not mentioned as errors of importance, but such as may be properly corrected in another edition. We have only to add, that we think some of the wood cuts might be spared, those for instance which represent, or are said to represent, mountains, lakes, grottos, and cities, since they cannot be supposed to give a

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single impression, which shall assist the understanding in arriving at an accurate conception of the reality. An animal, or an individual object of a moderate size, may be so drawn as to give some *imperfect notion of the original, but to compress a city, or a volcanic* mountain, or the falls of Niagara, or islands of ice, into a wood cut of three inches square, with a view of instructing a learner, is absurd, and labor expended in vain.

Mrs Willard's part of the work, on Ancient Geography, is perspicuous and executed with good judgment; and for so concise a treatise, it answers in every respect the purpose desired in a work of this sort. The preface is well written, and proves the author to have thought philosophically on the principles and practical means of education.

3.—*Sketches of the History, Manners, and Customs of the North American Indians.* By JAMES BUCHANAN, Esq. His Majesty's Consul for New York. 8vo. pp. 371. London. 1824.

HE must have read but little, who has not often been disappointed in his anticipations of the contents of a work, from the promise held out in the titlepage. Not that we would charge the author of the present volume with being accessary to such a disappointment, except so far as he has committed an oversight in not hinting that his book is a *compilation.* Out of the three hundred and seventy pages, of which it consists, no more than forty, if we except the preface, bear the impress of the author's own thoughts and language. The others are filled with materials collected from various, though highly respectable and authentic sources. This fact is not mentioned as detracting from the intrinsic merits of the work, but as one not likely to promote the good humor of an eager purchaser, who may happen to possess all these materials in other forms.

It ought to be observed, however, that Mr Buchanan makes no extravagant demand on the admiration of the reader, for the manner in which he has executed his task, but modestly 'disclaims the slightest pretension to merit as an author.' He is a warm and benevolent advocate for the Indians, and in his preface he speaks of the oppressions they have suffered in a kind and feeling manner. No one can doubt his sincerity, when he avows the generous disinterestedness of his motives in making this compilation, and using his endeavors to draw public attention to a subject in which he feels a deep interest. If there is an air of false sympathy in his lamentations over the fate of the Indians, there is nevertheless a degree of truth in the picture he sketches, which should make us blush for the deeds of civilised man, and mourn over the melancholy reality, that in some of the worst traits of his nature, he holds a guilty preemi-

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nence above the savage himself. The great fault has been to treat Indians as if they were civilised, to take advantage of their ignorance, to abuse their simplicity by overreaching and oppression, till the dignity of insulted nature impelled them to resistance, and then to complain that they were barbarous, cruel, and inhuman. Were savages to be the aggressors in precisely the same manner, there would be some apology for them in their want of refinement and of acquaintance with the laws and rights of social life; but the course too often pursued towards them by the whites has been without apology, equally in defiance of the voice of humanity and the stern demands of virtue and justice.

We do not go to the length, however, to which some tender hearted persons allow themselves to be carried, in deploring the fatality by which the Indians have been made to resign a part of their ancient domain, and leave a portion of the soil for the foot of the white man in the new world. In our view, the sum of human happiness is quite as great, and the glory of the creation quite as much advanced, by the ten millions of white, civilised, enterprising people now spread over the United States, as they would be by one tenth part of that number of semibarbarous red men, the wild and restless tenants of a wilderness, unimproved by the march of ages, and unsubdued by the discipline of time. Our smiling fields, our farm houses and villages, our crowded cities and thriving commerce, these and all the other testimonies of the ever active powers of social man, which adorn the land and make it the abode of happy millions, are the fruits of what some have called the usurpation of foreign intruders. That the first settlers were not, on all occasions, actuated by the best motives cannot be denied; that they were sometimes precipitate and cruel is a stain on their characters; and that they did not understand human nature better, or were not more disposed to listen to its dictates, is to be regretted; but that the event of supplanting the Indians by the present population has not been the most auspicious which could possibly have happened, we know not how any one can doubt, who confides in the wisdom of providence, and loves to contemplate the progress and increasing enjoyment of his species. Nature has pointed out these results; if the savage and the civilised man cannot live together, who will hesitate in deciding the question which shall retire before the other?

Mr Buchanan's work contains some of the best specimens of Indian eloquence, collected from accounts of treaties, and their petitions to the governors of states for redress, when their lands have been encroached on, or they have suffered injuries of any other kind from the whites. Free quotations are made from Heckewelder's interesting narrative, to illustrate the manners of the Indians. This venerable writer spoke from a long experience, and there is every reason to confide in his representations. Hunter's narrative

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is also referred to, and with more respect we imagine than it deserves, as a well authenticated performance. Extracts are made from De Witt Clinton's Discourse before the New York Historical Society. This holds an important rank in the history of the Indians, particularly of that remarkable confederacy, the Five Nations; it indicates a very thorough examination of the subject, and comprises a mass of knowledge rarely to be found in any single work of the same extent. Mr Duponceau's Essay on the Languages of the Indians, and Dr Jarvis's on their Religion, are both printed entire. Of Mr Duponceau's treatise it is enough to say, that it bears the strong marks of his copious and powerful mind, and if his enthusiasm and profound attainments in this department of study carry him farther than he can be followed by his less adventurous readers, it must be confessed, that he has thrown a charm over the subject, and opened a field of inquiry not less curious in itself, than flattering in the results, which it promises to the ardor of future research. Dr Jarvis's essay is valuable for its learning, for the novelty of its inquiries, and for some just and discriminating views which it contains. But the author is trammeled by a theory, which embarrasses rather than elucidates his subject; he strives to find analogies between the religion of the Israelites and of the Indians, and by this slender thread he traces back their origin so far as to convince himself, that 'they must have been among the earliest emigrants of the descendants of Noah.' If he had omitted his theory, and been contented with plain facts, judiciously arranged as they now are, the value of his performance would have been in no degree diminished. The three abovementioned treatises by Mr Clinton, Mr Duponceau, and Dr Jarvis, as far as they go, are among the best accounts now extant of the North American Indians. A philosophical history of this singular people, drawn from all the materials which can be obtained, would supply a new link in the broken chain of human knowledge, and carry the mind one step farther in the great study of man.

4.—*Private Correspondence of William Cowper, Esq. with several of his most intimate Friends.* 12mo. pp. 312. Wells and Lilly. Boston. 1824.

We hardly know in what terms to add our expression of the satisfaction we have felt in the publication of this volume, to that which has been so generally uttered. It is an acquisition to our stores of entertainment and instruction at once so unexpected and delightful, that if we should follow our inclination alone, and the fertility of the subject, we should not soon be weary of remarking

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upon it. We do not know that the letters in this volume are any of them superior, in their peculiarly engaging manner, to those which have been formerly published; but they can hardly be thought to fall below them, and will be found full of the same exquisite ease and unrivalled playfulness, which gave the predecessors so great a charm. Those to Mrs King especially possess an unequalled fascination, and are of themselves sufficient to ensure a hearty welcome to the book, and to confirm the author's claim to the first place in the catalogue of epistolary writers.

The letters to Mr Newton, sometimes quite as sportive and humorous, are generally more grave, sometimes melancholy, always free and frank, letting us more intimately into the recesses of his feelings, and introducing us to the real state of his soul. These letters are frequent in the deepest and most touching pathos; and more instructive to the student of human nature and human character than all the others; painful from the disclosures they make of the miserable servitude and tremendous terrors in which his spirit dwelt, harassed by the most appalling doubts, which sometimes drove him to despair, and kept him always covered in a dismal darkness, from the midst of which his pleasantry and wit break forth in perpetual flashes, that startle you from a sense of their incongruity with his situation, while yet they charm you from their nature and truth; delighting you with the loveliness and frankness they exhibit, while you weep that so fair and beautiful a soul should be so enveloped in wretchedness. Some of these were necessary to enable us fully to understand the character and effects of his malady; and some of them had probably been suppressed by Hayley, because they exhibit proof of a galling dominion held over his timid spirit by Newton, who seems from several passages here not to have had that forbearance and tenderness, in the exercise of his spiritual guardianship, which the peculiar situation of his friend demanded; but rather to have aimed at increasing the sensitiveness of a conscience already tender to insanity, and to have sought to maintain by spiritual severity that influence, which other keepers exert over their unfortunate patients by blows and chains. This was a great error in Newton, into which we can hardly understand how such a man could fall. It doubtless had its effect in aggravating the malady, which nothing probably could have cured, and which nothing but the most indulgent kindness could alleviate.

There is probably now no man of letters, not even excepting Dr Johnson, whose history and character are more intimately and minutely known than those of Cowper. Johnson has been portrayed to the world in all his dimensions of greatness and littleness, in his own familiar conversation reported by his 'faithful chronicler' Boswell. Cowper has been no less faithfully made known by his own

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letters, which open to us, with the most obvious and unsuspecting frankness, his opinions, his feelings, his whims, his history, and his whole heart. All his writings indeed speak of their author. He is identified with them. They disclose his features on every page. The poet and the man are one, and are seen to be one. This is one cause of the interest with which his works are read, as if they were a collection of anecdotes respecting the man's feelings and the operation of his mind, a sort of autobiography. This imparts to his verse the charm of truth and personality, which belongs to his letters, and again throws over his letters the fascinating beauty of poetry. They are but different modes of expressing the same soul; and while the language lasts they will be read with similar interest and delight, as twin productions of the same mind.

5.—*Sketch of Connecticut Forty Years since.* 12mo. pp. 278. O. D. Cooke and Sons. Hartford. 1824.

The great and incurable fault of this novel is the want of a story. The incidents are neither few nor badly conceived, but they are hung together so loosely and disjointedly, that he must be a patriotic lover of Connecticut and its scenery, of its rocky shores and proverbial habits, who can go resolutely through the whole volume without misgiving or weariness. With the best disposition to be pleased, and no common feelings of attachment to a part of the country, which no one can once have known without desiring always to cherish the remembrance of its peculiarities, we confess that we have found the entire perusal of the book by no means a lightsome task. And yet there are good things, and these not a few; but they are too often crudely imagined, and unskilfully assorted.

It does not seem to us, that the author's descriptions apply to Connecticut forty years ago, any more than at present. The scene of some of the tales of war and woe are laid back at that time, but everything which impresses the characteristic features of a people bears the stamp of a more modern date. The sailor's wife, Mrs Rawson, and Farmer Larkin, are the best drawn characters, and give the truest representation of the humbler classes of society in Connecticut. The episodes about Arnold and Champé want the indispensable requisite of novelty to give them interest. They are common events of history, and better told in other places. There is much value in the author's remarks on the now scattered tribe of the Mohegan Indians, which have the air of historical accuracy, and which communicate a melancholy pleasure to the mind, whose musings are on the mutability of the human condition, and the fragile thread by which are sustained the power, and fortunes, and

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hopes of man. The greatest defect of this performance is in its closing chapters. The whole story of Oriana is a failure, insipid in its details, and pointless in its aims. In short, we may end as we began, by saying, that the attractions, which the work might otherwise possess, are lost by the immethodical and incongruous manner in which the materials are thrown together. It is not without animated descriptions, and occasional touches of pathos and nature, which indicate talents and observation, nor without beautiful specimens of poetical thought and imagery, which show a lively and ready fancy; but it is to be feared, that the redeeming power of these excellences will hardly overbalance, in the minds of most readers, the prominent and pervading defects.

6.—*The Vision of Liberty; recited before the Phi Beta Kappa Society of Harvard University, August* 27, 1824. By Henry Ware, Jr. Published by Request. 8vo. pp. 12. Boston. Oliver Everett. 1824.

We understand that this poem was the hasty effusion of a spirit, glowing with admiration of the great moral beauty of an event, glorious and singular in its nature, and honorable alike to our country and the illustrious guest, whose virtues and services possess such claims on her affections and gratitude. We say that we *understand* it was written hastily, in consequence of the unexpected absence of the appointed poet of the day. We know not that we should have discovered the brief date of its composition, for if it has not the polish of a finished production, it possesses many and great beauties, is evidently the work of a mind filled with poetical imagery and poetical fire, roused to exertion by the inspiring occasion, and deeply impressed with the majesty of the scene before it. We of course allude to the recent visit of General La Fayette, and his presence at the annual exercises of the Phi Beta Kappa Society.

'The matter' of this poem, as the author himself says, 'is not a poetical invention,' but a versification of two dreams, which occurred in 1794 to two individuals in Massachusetts. These remarkable visitations of Queen Mab, the poet has associated, and with great delicacy and taste woven into a beautiful tribute of respect to his distinguished hearer; and a delightful testimony it is of the 'holy inspiration' caught from the most animating spectacle, which we have ever witnessed, that of the voluntary and heartfelt homage of a free people to the friend of their helplessness and infancy, their benefactor and their fellow soldier.

The first dream presents us with the vision of a massive castle, 'proud in its strength and years,' and defying human power, which

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is suddenly illumined by an internal flame, spreading through its towers and arches, and at length destroying it. The whole of the description is fine; and instead of selecting a few lines from it, here and there, we shall better consult the gratification of our readers by commencing our extract with the spreading of the blaze, and giving the remainder of the dream together with its interpretation.

But soon it spread—
Waving, rushing, fierce, and red,
From wall to wall, from tower to tower,
Raging with resistless power;
Till every fervent pillar glow'd,
And every stone seem'd burning coal,
Instinct with living heat, that flow'd
Like streaming radiance from the kindled pole.

Beautiful, fearful, grand,
Silent as death, I saw the fabric stand.
At length a crackling sound began;
From side to side throughout the pile it ran;
And louder yet, and louder grew,
Till now in rattling thunder peals it flew.
Huge shiver'd fragments from the pillars broke,
Like fiery sparkles from the anvil's stroke.
The shatter'd walls were rent and riven,
And piecemeal driven
Like blazing comets through the troubled sky.
'Tis done; what centuries had rear'd
In quick explosion disappear'd,
Nor even its ruins met my wond'ring eye.

But in their place,—
Bright with more than human grace,
Robed in more than mortal seeming,
Radiant glory in her face,
And eyes with heaven's own brightness beaming;
Rose a fair majestic form,
As the mild rainbow from the storm.
I mark'd her smile, I knew her eye;
And when, with gesture of command,
She waved aloft the cap-crown'd wand,
My slumbers fled mid shouts of 'LIBERTY!'

Read ye the dream? and know ye not
How truly it unlock'd the word of fate?
Went not the flame from this illustrious spot,
And spreads it not and burns in every state?
And when their old and cumbrous walls,
Fill'd with this spirit, glow intense,
Vainly they rear their impotent defence,—
The fabric falls!
That fervent energy must spread,
Till Despotism's Towers be overthrown;
And in their stead,
Liberty stand alone!

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The poet dreams again, and on the spot where stood the former structure, he sees another, not dark and frowning like that,

> No arms, no guards, no dungeons deep and closed,
> But open, free—like God's free day,
> That shines and smiles on all with heaven descended ray.

Delighted with its noble and fair appearance he advances to enter and explore it, when suddenly he hears a loud peal of magic music issuing from its dome, the sound of which we are afraid we should convert into discord, if we did not sing it in the poet's words.

> That strange mysterious sound,
> Soft as the mellow horn's most gentle note,
> Seem'd lightly on the buoyant winds to float,
> And spread through all the world around.
> O'er the mountain and the plain,
> Beyond the desert and the main,
> Wherever man is found,
> Went forth that winning sound,
> And breathed its summons in his raptured ear.
> The tone went home to every heart;
> It bade the thrilling tears of Freedom start,
> And ransom'd nations in her halls appear.

We conclude our extracts from this spirited performance with the two next stanzas.

> My eager eyes I upward threw,
> The wondrous instrument to view,
> In which such piercing power and ravishing sweetness met;
> And on its splendid form behold,
> Inscribed in living light and gold,
> That all mankind might read—thy honored name, FAYETTE!

> O for a tongue of fire, to tell
> How gloriously the vision was fulfill'd!
> How at the touch of Liberty's sweet bell
> The hearts of countless myriads have thrill'd,
> And Destiny her brightest page unfurl'd,
> Roused by the spirit that had waked the world.

7.—*Substance of a Discourse delivered before the Hibernian Society of the City of Savannah, in the Church of St John the Baptist, in that City, on the Festival of St Patrick, March* 17, 1824. By the Right Reverend JOHN ENGLAND, D. D. Bishop of Charleston. 8vo. pp. 64. C. C. Sebring. Charleston, S. C. 1824.

ON the occasion of this grand national festival of the Sons of Erin, it is usual for the orator to dwell on the life and labors of the patron Saint, whose name and deeds the day is intended to celebrate. Bishop England does not waive this topic, but connects with it a

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brief outline of the antiquities, early history, and recent fortunes of Ireland. He traces the first settlers of the 'Emerald Isle' to a Phœnician origin, and states that they migrated first from Tyre to Carthage, then to Spain, and last of all to Hibernia. Milesius was founder of the first settlement. These historical facts are not deciphered on scraps of frail and perishing parchment, but have their record in monuments of a more imposing durability. Various implements of warfare have been dug up in the bogs of Ireland, which resemble not the arms of Rome or of northern Europe, but are the same in figure, device, and substance, as 'those which fell from the dying warriors of Carthage at Cannæ.' This is an evidence that they, who wielded these weapons, came from the shores of Africa, and were descendants of the colonists, who accompanied Queen Dido from Phœnicia. This point the author strengthens by referring to the ancient Irish mythology, which resembled that of the same eastern country. The early Irish written character also bore a close similitude to that of the Greeks, and this proves, that they came from the same fountain, namely, the Phœnician. 'Ireland,' says the author, 'could not have procured the Saxon, or the Celtic, or the Runic character, before that character was known. It was not known in Europe until after the period of Christianity. Ireland upon her receiving this religion, had books written in her own character during ages, which books the first Missionaries saw, and many of which regarding her mythology, they destroyed; and when she received Roman literature, a curious circumstance, singular, too, I believe, presents itself to our view; her predilection for her own letters was such, that she wrote the Latin language in the Irish character. The individual who has the honor of addressing you, speaks from what he has seen and known.' p. 18. The orator next illustrates his subject from the early laws and customs of Ireland, and from the circumstances attending the first establishment of Christianity in that country. These are dark points, and we forbear to comment on them, leaving the whole matter to Bishop England and our readers.

The following brief sketch acquaints us with all the important particulars concerning the birth, life, and apostleship of the patron Saint of Ireland. 'We come now to the era of St Patrick. I cannot say with precision what was the place of his birth. He is claimed as a child of Scotland, he is also claimed by Gaul. We cannot decide, where we do not find sufficient evidence. His father's name was Calphurnius; from this it is probable he was of noble Roman extraction, for the wife of Julius Cæsar was of this family. His mother's name was Conchessa; she was niece to the celebrated St Martin, the Bishop of Tours. This would render it likely that the claim of France is not unfounded; but the parents might have settled in North Britain. Their son Maun was born

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towards the close of the fourth century. At an early period of youth he was taken into Ireland as a captive, and was employed upon the mountains in charge of cattle. After a few years of heavy servitude he regained his liberty; but was soon afterwards reduced to his former situation. In his wretched durance, he learned much patience, and found the mode of subjugating his passions. He was again released, and travelled into Gaul. Here he was for a considerable time a disciple of his relative, the Bishop of Tours; and he also imbibed much knowledge and piety at Auxerre, from the good and distinguished prelate of that see. After having embraced the ecclesiastical state, he travelled into Italy, and at length, in the year 432, he received Episcopal consecration; was admitted into the *Patrician* order, and appointed by Pope Celestine, who then filled the apostolic chair, to the charge of that island in which he had been formerly a captive, and for whose spiritual welfare he felt an ardent zeal, and was anxious to devote himself to a life of toil and sufferings. Henceforth he is known only by the name of Patrick.' p. 22.

The author gathers much warmth as he comes down to the later periods of Irish history. Who can blame a conscientious Catholic for being warm on such a subject? What has been the fate of Ireland for the last fifty years? What is it now? Seven millions of people, inhabitants of a land proverbial for its generous, ardent, and highminded national character, are compelled to wear the galling yoke of servitude. Their political rights are a dream, and their religious freedom a shadow. Five sixths of them are obliged to support a church, which they believe to be contrary to Scripture and truth, and to uphold a profligate hierarchy, whose dark and cumbrous mass rests like an incubus on the soil, which is doomed to cherish its unnatural growth. And when the sufferers cry out against oppression like this, they are called rebels, and visited with fire, and sword, and death. We doubt not the accuracy of the author's assertion, that 'no man in Great Britain dares write a true history of Ireland.' It would draw a picture of British domination not to be endured. Plowdon, according to Bishop England, is the only 'honest writer' who has treated the subject; and Plowdon 'has been driven into exile for writing the truth.'

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QUARTERLY LIST OF NEW PUBLICATIONS.

AGRICULTURE.

Address delivered before the Philadelphia Society for promoting Agriculture, at its Meeting, on the 20th July, 1824. By Matthew Carey, Esq.

The Massachusetts Agricultural Repository and Journal. Vol. VIII. No. 2. June, 1824.

ARTS AND SCIENCES.

The Boston Journal of Philosophy and the Arts. No. VII. June.

BIOGRAPHY.

A Short Biography of the Illustrious Citizen, Marquis de La Fayette, the Hero, the Statesman, the Philanthropist, the early and constant Friend of America, and the Champion of the Equal Rights of Mankind. By a Citizen of Washington, D. C.

BOTANY.

Florula Bostoniensis, a Collection of Plants, of Boston and Vicinity, with their Generic and Specific Characters, Principal Synonymes, Descriptions, Places of Growth and Time of Flowering, and Occasional Remarks. By Jacob Bigelow, M. D. Second Edition, greatly enlarged. To which is added a Glossary of the Botanical Terms used in the Work. Boston. Cummings, Hilliard, and Co.

Eaton's Manual of Botany, to which is prefixed a Grammar and Vocabulary. A new Edition.

EDUCATION.

The Prize Book, No. V. of the Public State School. 8vo. Boston.

Adam's Latin Grammar, abridged and arranged in a Course of Practical Lessons, adapted to the Capacity of young Learners. By

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William Russell. 18mo. pp. 240. Appendix 40. New Haven. A. H. Maltby and Co.

The principal improvements, which the author professes to have introduced into this abridgment, are a more natural and lucid arrangement, frequent recapitulation of the important parts, explanations of all difficult terms, and an attempt throughout the work to bring the whole into an analytical method. In some of these things he has succeeded; in others he has driven his passion for simplifying a little too far. There are cases in which a formal explanation only confuses the idea of a thing to be explained; and it is a fruitless task in the study of grammar especially, to endeavor to make a child *understand* everything as he proceeds. To obtain the first rudiments of grammar is after all an effort of memory, and this faculty is the main thing to be considered in constructing an elementary treatise. Simplicity and a clear arrangement are the points chiefly to be kept in view, and in these particulars this abridgment seems to be an improvement on the larger work, and to be well fitted for the young pupil at his first entrance on the study of the Latin language. It is recommended by Professors Kingsley and Goodrich of Yale College.

A Grammar of Composition, including a Practical Review of the Principles of Rhetoric, a Series of Exercises in Rhetorical Analysis, and six Introductory Courses of Composition. 12mo. pp. 150. New Haven. A. H. Maltby and Co.

Mr Russell, the author of the above abridgment, is also the author of this compend. It is perspicuous, and particularly designed for academies and schools of the higher order. It is highly recommended by Mr Goodrich, Professor of Rhetoric and Oratory in Yale College. The author mentions a second part on Declamation, which we have not seen.

Suggestions on Education, relating particularly to the Method of Instruction commonly adopted in Geography, History, Grammar, Logic, and the Classics. 8vo. pp. 32. New Haven. A. H. Maltby and Co. 1823.

Sixth Report of the Board of Directors of the Presbyterian Education Society, presented at the Annual Meeting, May 13, 1824. 8vo. pp. 56. New York. J. Seymour.

Elements of Latin Prosody and Metre, compiled from the best Authorities, together with a Synopsis of Poetic Licenses occurring in the Versification of Virgil, a Metrical Index to the Lyric Composition of Horace, and the Scanning of the Mixed Trimeter and Dimeter Iambics of the latter Poet. By Charles Anthon, Adjunct Professor of Languages in Columbia College, New York. 12mo. pp. 120. New York. T. and J. Swords.

Mr Anthon speaks of his purpose and labors as follows. 'It was originally intended by the compiler to publish merely an improved edition of the Latin Prosody of Alvarez. Upon reflection, however, this plan was abandoned, as being liable to many objections, and the one which has been followed in the present instance was adopted in its stead. The metrical rules of Alvarez, occasionally altered, wherever such alteration seemed necessary, are first given, and the principles concisely stated in them are next presented more in detail and in an English garb.' This was a judicious decision. There was no harm in retaining the Latin rules of Alvarez, because they occupy a comparatively small space, and are really comprehensive in their matter, however clumsy in their manner. But to have published the Latin rules without the explanations in English would have been conferring a meagre benefit on the student. The

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old traditionary mode of teaching Latin through the medium of Latin rules is a trammel, which it is quite time to throw off. There would be just as much propriety in studying chemistry, mineralogy, architecture, or any other science or art in the Latin language before it has been learnt, as in resorting to this method of studying the principles of the language itself. To this little treatise on Latin Prosody the author has communicated much value, by his numerous quotations from the poets, to illustrate by a full example every rule and every exception. They will thus be impressed more deeply on the mind. Besides Alvarez's work, he acknowledges himself indebted, in forming this compilation, to Dr Cary's Latin Prosody, the Port Royal Latin Grammar, and Gesner's Thesaurus.

The Analytic Guide and Authentic Key to the Art of Short Hand Writing. By M. T. C. Gould. Third Edition. 16mo. pp. 35. New Haven.

ELOCUTION.

Elementary Analysis of some Principal Phenomena of Oral Language, as contradistinguished from Graphic Composition, with a View to the Improvement of Public Speaking and Reading. By Dr Jonathan Barber. Washington. Davis and Force.

GEOGRAPHY.

Universal Geography, Ancient and Modern, on the Principles of Comparison and Classification. Modern Geography by William C. Woodbridge, A. M. Ancient Geography by Emma Willard. 12mo. pp. 388, and 88. Hartford. O. D. Cooke and Sons.

Modern Atlas on a New Plan, to accompany the System of Universal Geography. By William C. Woodbridge.

A Dialogue on the Geography of the United States, comprised in a Pack of Geographical Conversation Cards, with thirty Colored Maps. New York. A. T. Goodrich.

HISTORY.

A History of Boston, the Metropolis of Massachusetts, from its origin to the present period; with some Account of the Environs. Embellished with Engravings. By a Citizen of Boston. 8vo. Nos. I and II, published.

Notes on the Settlement and Indian Wars of the Western Parts of Virginia and Pennsylvania, from the year 1763 until the year 1783 inclusive. Together with a View of the State of Society and Manners of the first Settlers of the Western Country. By the Rev. Dr Joseph Doddridge. 12mo. Wellsburgh, Va.

New Hampshire Historical Collections. Vol. III. Nos. 7, 8, 9.

A History of the Colonies Planted by the English on the Continent of North America, from their Settlement to the Commencement of that War, which terminated in their Independence. By John Marshall. 8vo. Philadelphia. A. Small.

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LAW.

A Dissertation on the Nature and Extent of the Jurisdiction of the Courts of the United States, being a Valedictory Address delivered to the Students of the Law Academy of Philadelphia, at the Close of the Academical Year, on the 22d April, 1824. By Peter S. Duponceau, LL. D. Provost of the Academy. To which are added, a Brief Sketch of the National Judiciary Powers exercised in the United States prior to the Adoption of the present Federal Constitution. By Thomas Sergeant, Esq. Vice Provost. And the Author's Discourse on Legal Education, delivered at the opening of the Law Academy, in February, 1821. With an Appendix and Notes. 8vo. Philadelphia.

The Case of Gibbons against Ogden, heard and determined in the Supreme Court of the United States, February Term, 1824, on Appeal from the Court of Errors in the State of New York, and involving the Constitutionality of the Laws of that State, granting to Livingston and Fulton the exclusive Navigation of its Waters by Steam Boats. Reported by Henry Wheaton. 8vo. pp. 244. New York. R. Donaldson.

The arguments before the Supreme Court in the celebrated Steam Boat case are all reported at full length in this volume, together with the opinion of Chief Justice Marshall, and the concurrent opinion of Judge Johnson. The arguments are by Messrs Webster and Wirt for the appellant, and Messrs Oakley and Emmett for the respondent, and they embrace a most profound and elaborate discussion of the great question concerning national and state sovereignty. The report of this case is published in anticipation of Mr Wheaton's annual volume, for reasons stated in the advertisement as follows.

'The editor has been induced to prepare the following case for publication in a pamphlet form, on account of the peculiar interest attending it, and the importance of the principles of constitutional law involved in its determination. A large portion of the public, for whom the adjudications of the Supreme Court, upon questions of private or local jurisprudence, can have no attractions, is deeply interested in the more important subjects, which are occasionally discussed in this high tribunal. It has, therefore, been thought, that a separate report of this case would be acceptable, not only to the profession, but to all who take an interest in discussions so closely connected with the fundamental principles of our national government. This class of causes has recently increased in number and importance; and though the editor cannot pretend to do justice to the learning and eloquence of the eminent individuals engaged in them, yet, should this attempt be approved, he may hereafter endeavor to present to the public a separate account of the decisions of the court upon questions of constitutional law, in anticipation of the annual publication of reports. The determination of the important question of the validity of the state bankrupt or insolvent laws, which was argued at the last term, and the final decision of which is postponed to the next, will probably give another occasion for a similar publication.'

These views and resolutions of the editor are good, and it is to be hoped he will be encouraged by the approbation and patronage of the public to carry them into execution. The knowledge thus diffused will have a strong influence, both in enlightening and consolidating public opinion on subjects of the greatest importance.

Reports of Cases Argued and Determined in the Superior Court of Judicature for the State of New Hampshire, between February,

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1819, and May, 1823, inclusive. Collected by William M. Richardson and Levi Woodbury. Vol. II.

Reports of Judicial Decisions in the Constitutional Court of the State of South Carolina, held at Charleston and Columbia, the years 1812, 13, 14, 15 and 16; to which is added, Two Cases determined in the Court of Equity, in the year 1822. 2 vols.

A Digest of the Cases Reported in the Constitutional Court of South Carolina. By a Member of the Charleston Bar.

A General Arrangement and Digest of American Law. By Nathan Dane, LL. D. Vol. IV. Cummings, Hilliard and Co.

This is the largest and most elaborate work on law hitherto undertaken in this country, being, as the title imports, a digest of the law in all its branches, comprising short notices of all the reported cases, and references to all the treatises, both English and American, as far as they are generally applicable in our practice; thus constituting an epitome of a lawyer's library. It may be considered the fruits of the labor of the author's life, and that a long one, for he is at an advanced age, having devoted the last fifteen or sixteen years to it exclusively, and, during the preceding twenty or thirty years, collected and arranged such materials for it, as occurred to him in his attendance on different courts in the course of an extensive practice, and the study and investigations to which his practice necessarily led him. The sale of such a work in the United States can afford no adequate compensation for the author's labor, whose better reward is the consciousness of having rendered the public an important service, and the assurance that the public is not insensible of its obligations to him. The improvement of our laws and their administration, and our advances in all sciences and arts, depend upon the labors of men who thus, quietly in their retirement, devote their days and nights for successive years to the steady and indefatigable pursuit of their chosen objects, never diverted by amusements or a love of ease, nor discouraged, from not hearing any cheering expression of the public opinion.

The work is comprised in eight volumes, four of which are published, and three others are now in the press. The contents of the first seven volumes are distributed into two hundred and twenty eight chapters, divided into articles, and these again into short sections, numbered, for reference, whereby a subject may be more easily and conveniently found from the index, than if the references were only to volumes and pages. The eighth volume is intended to consist of a copious index to the others.

The difficulty of making a simple, scientific arrangement of the different branches of the law, in a digest or general treatise, has been a subject of frequent remark. The plan of Sir Matthew Hale, which was adopted by Blackstone in his Commentaries, has been considered defective, and it is very questionable whether any other will be substituted for it, that will be entirely satisfactory. The difficulty of making any perfect division of this science arises partly from the circumstance, that any general system must comprehend remedies as well as rights, and an order the most natural and perspicuous in treating of actions, writs, pleadings, evidence, and modes of proceeding, is not necessarily the best adapted to the rights and obligations, which are the foundation of these proceedings, and no plan would probably save the author from frequent repetitions and apparent digressions.

To escape from this difficulty in some degree, the authors of digests and abridgments have resorted to an alphabetical or arbitrary arrangement of titles. But this plan, or rather substitute for a plan, does not remedy the difficulty altogether, for a question still recurs as to the number of titles to be chosen, and arranged in alphabetical order, some choosing more, others fewer; and as to the subjects to be comprehended under each title, the same subject

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being often found under different titles in the different abridgments. This order does not therefore always very easily and directly present one, who consults the book, with what he is searching after, and all the uses and advantages of such an order are obtained in a full alphabetical index. Accordingly, though Mr Dane has in part adopted the alphabetical arrangement, he has been judicious in not confining himself to it strictly, and in deviating from it wherever subjects connected with each other might be thus brought together, which must otherwise have been separated, since the index will afford all the facility in consulting the work, which would have been derived from a strict adherence to an alphabetical order of subjects.

We propose hereafter, when the whole work is published, to notice it in a more particular manner.

A Sketch of the Condition of the Science of the Law in the United States, read before the Kentucky Institute. By Charles Humphreys, Esq.

In the course of this Address Mr Humphreys makes the following remarks. 'The body of law, recognised as operative in each state, is of considerable extent; consisting of the constitution of the United States, national law, statutes of Congress, adjudication of the Supreme Court, common law, statute law of the particular state, and state judicial decisions. All these perhaps might be embraced in one work; but owing to the facility and frequency of legislation, I very much incline to the opinion, that it is better to exhibit them in distinct codes; the law of nations in one, the common law in a second, the law of the Union in a third, the local statutes in a fourth, and a digest of judicial decisions in a fifth, containing necessary references from one to another throughout. But in whatever form law is presented to the public, it must occupy much space. An imperfect conception can be formed of its magnitude by adverting to the progress of the production of law books. In Kentucky, there have issued, independently of the forty two little annual volumes of acts of assembly, eleven volumes of digested statutes, six volumes of revisions and compendiums, and thirteen volumes of reports, besides some smaller works.'

Reports of Cases Argued and Determined in the Supreme Court, and in the Court for the Trial of Impeachments and the Correction of Errors, of the State of New York. By E. Cowen. Vol. I. Albany. N. Gould and Co.

MATHEMATICS.

First Principles of the Integral or Differential Calculus, or the Doctrine of Fluxions. Taken chiefly from the Mathematics of Bezout. Translated from the French for the Use of the Students of the University at Cambridge. Boston. Cummings, Hilliard & Co.

MEDICINE.

The New England Journal of Medicine and Surgery. Vol. XIII. No. 3.

The Vaccine Inquirer, or Miscellaneous Collections relative to Vaccination. Edited by Gideon B. Smith. No. V. Baltimore.

In the beginning of the year 1822, a periodical work with this title was commenced in Baltimore, conducted by a Society of Physicians, and designed to make the public acquainted with the nature, principles, and practice of vaccination. It continued to the fourth number, when it was suspended. The present number is a revival of the same work. It contains Dr James Smith's Letter to Mr Clay during the last session of Congress, on the subject of vac-

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cination, his Memorial to Congress on the same subject, and the Report of the committee appointed to take the memorial into consideration. This report is accompanied by a bill to encourage vaccination favorable to the views of the memorialist. This bill was not acted on at the time, but will probably be brought forward during the next session. Dr Smith served as vaccine agent for the United States, by the appointment of the President, for ten years during the existence of the old law. His letter to Mr Clay, in the present number of the Inquirer, throws new light on the mysterious affair, which took place at Tarborough three years ago in the transmission of the vaccine virus, and which was brought to the notice of Congress the winter following. Vaccination was first practised in England by Dr Jenner, its discoverer, May 14, 1796. It was introduced into Boston by Dr Waterhouse, July 2, 1800; and into Baltimore by Dr Smith, May 1, 1801.

The Baltimore Vaccine Catechism, or a few of the most Important Questions relative to Vaccination answered. By James Smith, late Agent of Vaccination for the United States. Baltimore. J. D. Toy.

The motto of this little manual should be *multum in parvo*. It presents, in as compressed a form as possible, a simple and practical account of the theory, operation, and benefits of vaccination. From the long experience of Dr Smith, from his very extensive practice for many years as United States agent, and from the ardor with which he has studied and pursued this particular branch of the profession, it is reasonable to suppose, that this little treatise contains important results and valuable hints. Of its scientific merits we pretend not to judge. Dr Smith has adopted a mode of practice different from that of most of the faculty. Its efficacy and utility he has tested by a very thorough experience, and he deems it to possess many advantages over any other method.

Philadelphia Journal of Medicine and Science. Edited by Dr Chapman. No. 16. Carey & Lea.

The Seats and Causes of Diseases investigated by Anatomy, containing a great Variety of Dissections, and accompanied with Remarks. By J. B. Morgagni. Abridged and elucidated with copious Notes. By William Cook. 2 vols. 8vo. Philadelphia. Carey & Lea.

MISCELLANEOUS.

An Oration delivered July 5, 1824. By John Everett. 8vo. pp. 28. O. Everett. Boston.

An Oration pronounced at Cambridge, before the Society of Phi Beta Kappa, August 27, 1824. Published by Request. By Edward Everett. 8vo. O. Everett. Boston.

An Oration delivered on Monday, July 5, 1824, in Commemoration of American Independence, before the Supreme Executive of the Commonwealth, and the City Council and Inhabitants of the City of Boston. By Francis Bassett. 8vo.

An Oration delivered at Quincy, on the 5th of July, 1824. By George Washington Adams. 8vo. pp. 24. E. Lincoln. Boston.

In his choice of a subject, and mode of treating it, Mr Adams has been much more successful, than is common with our anniversary orators. He had

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a purpose in view, and method in pursuing it, which are important characteristics in any performance, but which most of our orators on the national festival seem to forget in the vehemence of their declamation, and the dazzling flame of their metaphors. Mr Adams sketches a rapid and discriminating outline of the early history of this country and draws out as he goes along the leading causes, which gradually operated in making us a distinct people, and building us up into a nation. His remarks evince a wide extent of reading in American history, and often discover a compass of thought and philosophical reflection by no means common to all that read. In the following extract the author is speaking of the early settlers of New England.

'Accustomed to judge for themselves in matters of theology, they began to feel it as their right to judge in those of government. Acknowledging themselves to be English subjects, they drew nice distinctions in defining that subjection in order that it might not prejudice their privileges. With no nobility to check the growth of equal systems; no hierarchy to hold out a lure to clerical ambition, or to sustain royal pretensions to supremacy in religion; no courts supported by the forfeitures decreed by their own judges; they grew up in the enjoyment of republican rights. They constituted a republic under the jurisdiction of a magistrate, too distant to govern them effectively, and too profoundly ignorant of their importance to straiten around them the cords of sovereignty. Their governor, chosen by themselves, was annually removable under the earlier plans of administration, and though afterwards lost, this right of choosing their own rulers had been exercised and was remembered. Their immediate executive was elective, and thus responsible to them. Indeed, the wise and virtuous men, who took the lead in their affairs, encouraged the republican immunities of the people, and supported the established charter rule of annual elections, from their own conviction of its value; sensible

> "That nobler is a limited command,
> Given by the love of all your native land,
> Than a successive title, long and dark,
> Drawn from the mouldy robes of Noah's ark."

To annual elections they soon added representation, and improved on the practice of the mother country by equalising the rule. The right of being represented was not granted by the first charters, but it was adopted shortly after their arrival, and in various periods of our history its value has been ascertained.'

The orator proceeds to detail with accuracy and spirit the primary causes of the revolution, which established our independence. He sketches, with a lively and judicious pencil, the characters of Hancock, Samuel Adams, and Quincy, and pays a just tribute to the memory of these early and firm patriots. The style of this oration is in its prevailing features well formed and expressive. Its faults are occasional negligence, and now and then a too bountiful flow of youthful exuberance, as well in the language as the thought.

Remarks on a Pamphlet printed by the Professors and Tutors of Harvard University, touching their Right to the Exclusive Government of that Seminary. By an Alumnus of that College. 8vo. Boston.

Defence of Gen. Henry Dearborn, against the attack of Gen. Willian Hull. By H. A. S. Dearborn. 8vo. Boston.

Tales of a Traveller, Parts I. and II. by Geoffrey Crayon, Gent. 8vo. Philadelphia.

Miscellanies selected from the Public Journals, Vol. II. 12mo. Boston.

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Letters to the Hon. William Prescott, LL. D. on the Free Schools of New England, with Remarks upon the Principles of Instruction. By James G. Carter. 8vo. pp. 123. Boston.

Friend of Peace. No. 23.

Correspondence relative to the Emigration to Hayti, of the Free People of Color in the United States; together with the Instructions to the Agent sent out by President Boyer. New York 8vo. pp. 32.

Eighth Report of the Directors of the American Asylum at Hartford for the Education and Instruction of the Deaf and Dumb, exhibited to the Asylum, May 15, 1824. Hartford. 8vo. pp. 40.

This Report, and the documents appended to it, afford most flattering testimonies of the success of the Institution, to which humanity has already been so much indebted. Among the specimens of the pupils' improvements are some of a very remarkable character, which, at the same time they prove to what an astonishing degree the mind of the deaf and dumb may he cultivated, reflect much credit on the diligence and skill of Mr Gallaudet and his associate instructers. The whole number of pupils, who have entered the Asylum since its establishment in 1817, has been 128; of these 66 had left, and 62 were residents, at the time the present Report was made.

The American Monthly Magazine. Vol. II. No. 8. Published by J. Mortimer, Philadelphia.

An Oration commemorative of American Independence, delivered at Utica, July 5, 1824. By Alexander B. Johnson. 8vo. pp. 16. Utica. N. Williams.

The United States Literary Gazette, Nos. 8, 9, 10.

The Globe, or weekly Journal of Politics, Literature, Arts, and Sciences. No. 1. Published Aug. 21. New York.

Port Folio, Nos. 267, 268, 269.

Redinger Magazin, Nos. 7, 8, 9.

Substance of a Discourse delivered before the Hibernian Society of the City of Savannah, in the Church of St John the Baptist in that City, on the Festival of St Patrick, March 17, 1824. By the Right Rev. John England, D. D. Bishop of Charleston. 8vo. pp. 64. Charleston, S. C.

Letters from the South and West; by Arthur Singleton, Esq. 8vo. pp. 159. Boston.

Museum of Foreign Literature and Science, No. 27. E. Littell. Philadelphia.

Militiaman's Pocket Companion. Second Edition, enlarged and improved. Boston. Price 75 cents.

An Address delivered at Newburyport, July 5, 1824, in Commemoration of American Independence. By Nehemiah Cleaveland. 8vo. pp. 16. Newburyport. N. & G. Gilman.

Philadelphia in 1824; being a Guide to the Public Institutions, Places of Amusement, &c. with a Plan of the City. Carey & Lea.

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NOVELS.

The Witch of New England; a Romance. 1 vol. 12mo. Philadelphia. Carey & Lea.

Peter Schlemihl; from the German of Lamotte Fouqué. With Plates. By George Cruickshank. 12mo. pp. 139. Boston. Wells & Lilly.

POETRY.

The Vision of Liberty; a Poem. Recited before the Phi Beta Kappa Society of Harvard College, August 27, 1824. By Henry Ware, Jr. 8vo. Boston. O. Everett.

Songs by the Way, chiefly Devotional; with Translations and Imitations. By the Rev. George W. Doane, A. M. 12mo. pp. 154. New York. E. Bliss and E. White.

POLITICS.

A Letter to Mr Harrison Gray Otis, a member of the Senate of Massachusetts, on the present State of our National Affairs, with Remarks upon Mr T. Pickering's Letter to the Governor of the Commonwealth, by John Quincy Adams. With an Appendix written, July, 1824. Baltimore.

Remarks on State Rights. By a Citizen of Massachusetts. With an Appendix containing a History of the Claim of Massachusetts. 8vo. pp. 53. Richardson & Lord. Boston.

Remarks of John McMahon, in the House of Delegates of Maryland, January 28, 1824, on the Bill to confirm an Act entitled an Act, to extend to all the Citizens of Maryland the same Civil Rights and Religious Privileges, that are enjoyed under the Constitution of the United States. 12mo. pp. 87. Hagerstown. W. D. Bell.

Speech of James Talmadge, Esq. on the subject of giving the Choice of Presidential Electors to the People. In the House of Assembly at Albany, August 5, 1824. Albany, John B. Van Steenbergh. 8vo. pp. 31.

THEOLOGY.

A Valedictory Discourse, delivered before the First Religious Society in Weymouth, in two Parts, on the Morning and Afternoon of the Lord's Day, July 4, 1824. By Rev. Jacob Morton.

A Selection of Hymns and Psalms, for Social and Private Worship. Second Edition, enlarged and improved. Cambridge.

A Discourse delivered before the Worcester Auxiliary Society for Meliorating the Condition of the Jews, April 28, 1824. By Aaron Bancroft, D. D. Pastor of the Second Congregational Church in Worcester.

A Sermon, preached at the Ordination of the Rev. Ezra S. Gannett, Colleague Pastor of the Church in Federal Street, Boston. By Rev. William E. Channing, D. D. Pastor of said Church.

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Charity at Home. A Sermon preached for the Benefit of the United Domestic Missionary Society, in the Church in Murray Street, New York. By John H. Rice, D. D. Professor of Christian Theology in the Theological Seminary in Virginia.

Future Rewards and Punishments. A Sermon preached at the Funeral of the Rev. Moses C. Welsh, D. D. Pastor of the Second Church in Mansfield, April 28, 1824. By Rev. Samuel Nott, Pastor of the Church in Franklin.

A Treatise on the Divine Nature, exhibiting the Distinction of the Father, Son, and Holy Spirit. By Humphrey Moore, Pastor of the Church in Milford, New Hampshire, 8vo. Boston.

Unitarian Miscellany, Nos. 43, 44, 45.

Christian Spectator, Vol. VI. Nos. 7, 8.

Missionary Herald, Vol. XX. Nos. 7, 8, 9.

Baptist Magazine for September.

A Collection of Essays and Tracts in Theology. By Jared Sparks. No. VII. Containing Selections from William Penn's Works; the Innocency of Error Asserted and Vindicated, by Dr Sykes; Selections from the Writings of Dr Benson.

Gospel Advocate, Vol. VI. Nos. 5, 6, 7.

Sermons on the Principal Events and Truths of Redemption. By John Henry Hobart, D. D.

Sermons by the late Right Rev. Benjamin Moore, Bishop of the Diocess of New York.

The Christian Advocate, Nos. 18, 19, and 20, for June, July, and August, 1824. Philadelphia.

A Sermon preached June 9, 1824, at Falmouth, Mass. at the Ordination of the Rev. Benjamin Woodbury. By Leonard Woods, D. D. Abbot Professor of Christian Theology at Andover.

The Christian Examiner and Theological Review, Nos. III. and IV.

Correspondence Relative to the Prospects of Christianity, and the Means of Promoting its Reception in India. 8vo. Cummings, Hiliard, and Co.

A Sermon preached in Brooklyn, Conn. at the Installation of Rev. Samuel Joseph May, November 5, 1823. By James Walker of Charlestown. Together with the Charge by Dr Freeman, the Right Hand of Fellowship by Mr Peabody, and the Address to the Society by Dr Thayer. 8vo. pp. 40. Boston.

The National Anniversary, in two Sermons, preached July 4, 1824, in the First Unitarian Church, Washington City; with a short Address, respecting the views of the Colonization Society. By Robert Little, Minister of the Church. P. Thompson. Washington. Price 25 cents.

The Greek Revolution, an Address delivered in Park Street Church, Boston, on Thursday, April 1, and repeated at the Request

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of the Greek Committee in the Old South Church on the Evening of April 14, 1824. By Sereno E. Dwight, Pastor of the Park Street Church. Second Edition. S. T. Armstrong.

The Ministry of the Word committed to faithful and able Men; a Sermon preached at Middlebury, Vt. January 14, 1824. By Absalom Peters, A. M. Pastor of the Congregational Church in Bennington, Vermont.

Inaugural Discourse delivered on the first of January, 1824, by John H. Rice, Professor of Christian Theology in the New Theological Seminary in Virginia. Richmond.

Two Discourses on the Atonement; by Moses Stuart, Professor in the Seminary at Andover. Flagg & Gould. Andover.

The Trials and Encouragements of Christ's Faithful Ministers; a Sermon preached in the Baptist Literary and Theological Seminary at Hamilton, New York, March 19, 1824. By Nathaniel Kendrick, D. D. Professor of Theology in the Seminary.

A Sermon delivered in the Third Presbyterian Church, in Charleston, S. C. July 13, 1823. By A. M. Leland, D. D.

The Utility and Importance of Creeds and Confessions; an Introductory Lecture, delivered at the opening of the Summer Session of the Theological Seminary at Princeton, July 2, 1824. By Samuel Miller, D. D. Price 50 cents.

AMERICAN EDITIONS OF FOREIGN WORKS.

Redgauntlet. A Tale of the Eighteenth Century. By the Author of Waverley. 2 vols. 12mo. Philadelphia. Carey & Lea.

A Narrative of a Journey through Russia and Siberian Tartary, from the Frontiers of China to the Frozen Sea and Kamstchatka; performed during the years 1820, 21, 22, 23. By Captain John Dundas Cochrane, R. N. Philadelphia.

Edinburgh Review, No. 79.

The Economy of the Eyes, or Precepts for the Improvement and Preservation of the Eyes. By William Kitchiner, M D. Price 87 1-2 cents. Boston. Wells & Lilly.

Memoirs of the Life of the late Mrs Catherine Cappe; written by Herself. Boston. Wells & Lilly.

Biography of the British Stage. 12mo. pp. 267. New York. N. B. Gilley.

The Highlanders; a Tale. By the Author of the Hermit in London.

Extracts from a Journal written on the Coasts of Chili, Peru, and Mexico, in the Years 1820, 21, 22. By Captain Basil Hall, Royal Navy, Author of a Voyage to Loo Choo. Wells & Lilly.

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The Female Speaker, or Miscellaneous Pieces in Prose and Verse, selected from the best Writers, and adapted to the Use of Young Women. By Anna Lætitia Barbauld. From the last London Edition. Wells & Lilly.

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